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THE HEADCORN OAK.

to Chamberlain of the City
of London

in the author's complement

3 vol.
42-10 0

A HISTORY
OF
The Weald of Kent,

WITH AN OUTLINE OF
THE EARLY HISTORY OF THE COUNTY,

BY
ROBERT FURLEY, F.S.A.
"

ALSO,
A SKETCH OF THE PHYSICAL FEATURES OF THE DISTRICT,

BY
HENRY B. MACKESON, F.G.S.

IN TWO VOLUMES.
VOL. I.

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TO
S. MUSGRAVE HILTON, ESQ.,
OF BRAMLING HOUSE, KENT,
THIS WORK
IS DEDICATED BY HIS
SINCERE FRIEND,

R. F.

942.23

F985

v.1

757

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ERRATA AND CORRIGENDA.

Page 63, lines 13—15, *read* "seven other kings;" and add "Eadbert" immediately before "Ethelbert II."

Page 63, line 23, *read* "Edbert Pren," i. e., the priest.

Page 82, line 3, *read* "Jaenbert."

„ line 30, *for* "turns" *read* "terms."

Page 85, line 9, add marginal reference to charter, "A.D. 863, Cod. 288."

Page 87, line 4 from end, *read* "Edward I."

Page 105, line 4, *read* "Forest."

Page 116, last marginal reference, *read* "Westminst."

Page 152, note *, *read* "long the residence."

Page 156, line 13, *read* "Kelham."

Page 157, line 25, *read* "service."

Page 204, line 23, *read* "Sænling."

Page 230, lines 2—5, "Lydden" should be added, making the number five.

Page 231, last line but one, "Belice" also occurs, giving a sixth variation.

Page 301, line 27, *read* "by these presenta."

Page 329, line 8, *read* "2nd Feb., 1141," *for* 23rd Feb., 1143.

Page 346, last line, *read* "1176" *for* 1177, and "Northampton" *for* Nottingham.

Page 400, line 1, *read* "Robert de Turnham."

21

P R E F A C E.

THE original promoters of a Railway from London to the Continent, were compelled by a strong opposition, in the year 1836, to abandon the line they had set out, which took much the same course as the first military road of our Roman invaders; but they eventually gained the support of the late Mr. T. L. Hodges, M.P., Sir Edward C. Dering, Bart., Sir William P. Geary, Bart., and other neighbouring landed proprietors of the Weald of Kent, and thus, this once almost impenetrable district, with some of the worst roads in the kingdom, ultimately yielded forty miles of an admirably constructed railway—called, indeed, the Railway Race-course of England. Previously, almost the only travellers who passed through it, kept to the old stage-coach-road from London to Tunbridge Wells and Hastings; and though they naturally spoke of the beauty of its extensive parks and woods, the magnificence of its timber, the quaintness and old-world look of its towns, its massive churches, and scattered villages, with their substantial timber houses; yet for all this, it was pronounced the most uninteresting portion of the county, promising but little attraction for the antiquary and historian.

The Weald of Kent was formerly so little known that

Lambarde, our earliest topographer, mentions only five places within it, although the number of parishes and places, either wholly or partially comprised therein, amounted to more than eighty; whilst one of our modern writers, the late highly gifted Anglo-Saxon scholar, Mr. Kemble, instead of treating it, first as the common forest of the kingdom of Kent, and afterwards of the shire, was impressed with the idea that it was originally "a Mark district." His intimate friend, the late Rev. Lambert B. Larking (ever ready to communicate to others what he himself had acquired with so much labour and perseverance), had entrusted him with Sir Roger Twysden's Journal; and here Mr. Kemble imagined he had discovered a "striking example of the Mark jurisdiction," to which he devoted many pages in his valuable work on "The Saxons in England," in the case of the "denes" belonging to the manor of Aldington. He speaks of the "Mark Court," and "Court of Dens," without the slightest authority, as it appears to me, for doing so. I, who have been Steward of the Manor for nearly forty years, certainly never before heard of such a Court. The Mark Court, he says, gradually became a Lord's Court, "*when the head markman succeeded in raising himself at the expense of his fellows; a court of little marks, marches, or pastures, in Kent, long after the meaning of such marks, marches, or pastures had been forgotten.*" All this is merely an ingenious speculation. The simple facts are, that Sir Roger Twysden (supposed to be then a tenant of the Manor) was summoned to the Court, and attended it on several occasions between 1655 and 1664, and, according to custom, was appointed the Reeve, or Collector of the Lord's rents, in the thirty-two dens; but Sir Roger very naturally declined either to serve the office, or to pay the quit-rent, because the Steward could not identify the land to his satisfaction.

This controversy, the counterpart of one that has been

constantly going on between the Lords, the Stewards, and the Tenantry of Manors for the last 300 years, is strangely magnified by Mr. Kemble, who, to carry out his *Mark theory*, makes Sir Roger Twysden a second Hampden, and thus concludes his Appendix A. :—

“This determined refusal of a Markgraviat in the Mark of Kent is amusing enough: the Alberts, Berchtholds, and Luitpolts did not make quite so much difficulty about Brandenburg, Baden, or Ancona. How the dispute ended I do not know, but the right was not in question; all that Sir Roger doubted was its applicability to himself. Still, the nature of the jurisdiction seems clear enough, and the transition of an old Mark Court into a Lord's Court, with a steward, is obvious.”—Vol. I., p. 486.

Our earliest record concerning this extensive Manor of Aldington, with its pasturage and denes in the Weald, shows that it belonged to the Crown, and was given by Queen Eadgiva, A.D. 961 (*vide* p. 148), with other possessions, to the monks of Christ Church, Canterbury. In the Domesday Survey it is returned as part of the possessions of the see of Canterbury, and it remained such until the reign of Henry VIII., when Archbishop Cranmer granted it to that King in exchange for other property. Henry VIII. kept the mansion and park in his own hands, and made the park more complete by adding adjoining property to it which he acquired by purchase; and with a slight interruption, it continued in the hands of the Crown until the reign of Charles I., when the necessities of the Sovereign compelled him to part with it. The manor and a large portion of the estate have been for many years in the hands of the family of Mr. Deedes, of Sandling Park, charged with a perpetual fee farm rent to the Beachborough Estate (Mr. Brockman's). What ground, therefore, Mr. Kemble had for stating that Aldington “gradually became a Lord's Court, when the head markman succeeded in raising himself at the expense of his fellows,” I am at a loss to conceive.

Another modern writer of eminence (the Rev. Isaac Taylor) has adopted Mr. Kemble's conclusions. He tells us, in "Words and Places," p. 361, that "The Dens were the *swine* pastures, and down to the seventeenth century 'The Court of Dens,' as it was called, was held at Aldington to determine disputes arising out of the rights of forest pasture;" and in an analysis of the forest names in the Weald he arrives at the following results respecting the number of Dens, viz., "Central Kent, 42; Northern Sussex, 16; Southern Surrey, nil; Eastern Hants, 1." This again is a mis-statement, so far as Kent is concerned, for the Manor of Aldington *alone* possesses *forty-four* *denes*! Feeling, as I have ever done, that these writers had no reliable evidence to support their conclusions, I wrote to the late Mr. Benjamin Thorpe, the compiler of the work on the Ancient Laws and Institutes of England, and translator of several Anglo-Saxon works, shortly before his death (which took place last year), and forwarded to him the MS. of Chapter VII., with a request that he would read it, and freely express his opinion on it. He kindly did so as follows:—

"What you say about 'The Mark,' though perhaps somewhat *too short*, is satisfactory, and has a foundation; while Kemble drew too largely on his imagination, and even that was warped by the German medium through which he was too much accustomed to look. The early *Continental* German settlers were in a very different position from that of those offshoots that reached Britain, a land infinitely more civilized than the one they had left. What, therefore, may hold good with reference to Continental Germans, can hardly be applicable to our German forefathers, who, I am inclined to believe, on their arrival here laid aside much of their nationality and adopted British institutions. An instance may, perhaps, be cited in the case of Gavelkind."

Supported by this opinion, and with the opportunity kindly afforded to me of appealing in my difficulties to Mr. Charles H. Pearson, of Oriel College, Oxford, I have become bold enough to publish the result of my researches.

Most topographical works are chiefly used as books of

reference, each parish being arranged in alphabetical order. The history of the Weald thus compiled would not have served the purpose I intended, as each reader might then only refer to that portion of the work which embraced the locality in which he was most concerned, and lay the book aside. Besides this, I have often felt that the present system of education pursued in most of our schools with respect to local history and topography is woefully defective. Maps are skilfully prepared of far distant lands, but rarely of Kent, or any other English shire. In this county, especially, we are surrounded by objects of interest on every side, yet how few of the rising generation can satisfy the curiosity of a stranger respecting them.

This want it has been my endeavour to supply, so far at least as *one* neglected portion of the county is concerned, by placing before the public a popular History of the Weald of Kent. I have no doubt the subject will be considered by many a dry one, and the work a mere compilation, containing but little more than the opinions of others. Still, I venture to claim some credit for having brought the chief historical events connected with the district into chronological order, and illustrated them with what was necessary for their comprehension, by contemporaneous sketches of the early state of the county and the kingdom at large.

The present volume contains three maps, which have been prepared with some care, and which I believe will materially assist the reader. Map No. 1, at page 26, professes to define the Forest of Anderida during the Roman occupation of Britain. Map No. 2, page 217, sets forth the different manors situate within the Weald and its borders when the Domesday Survey was prepared; and the Map No. 3, page 275, shows the possessions in Kent held by ecclesiastics at that time, exclusive of those granted to Odo, Bishop of Baieux. In the

second volume will be found a map of *all* the lands included in the Domesday Survey, and a modern one of the Weald.

With all my endeavour to avoid error, I do not for one moment expect that I have been entirely successful;* but if this humble contribution to the local history of my native county affords either information or pleasure to my readers, I shall be amply compensated.

To those noblemen and gentlemen who have kindly allowed me access to their libraries and papers, and to the clergy and members of my own profession who have been ready to assist in this, to me, novel employment, I beg to return my most sincere thanks. I will not mention those kind friends by name, for fear of accidentally omitting one of them. When in doubt on any point, I have never been above asking for information; and it has been my good fortune to meet with those who were both able and willing to render it. This has particularly been the case in respect to the Geology of the Weald, on which subject I have been furnished with a valuable paper by my old friend, Mr. Mackeson, of Hythe. The labours of the profession from which I am gradually withdrawing, rendered it necessary that I should be assisted by one competent to peruse and correct what I have written, as well as to prepare the Indexes (of which three distinct ones will be found), and superintend the printing; and I cheerfully avail myself of this opportunity of expressing my thanks to Mr. W. E. Flaherty, who, though not a native of Kent, is well known in the circle of our archaeologists, as possessing a good knowledge of the leading events connected with the county.

* We are all no doubt apt to criticise too severely the value of the labours of those who have gone before us. Thus we often find in the present day censure rather unsparingly passed on the extraordinary labours of our county historian, Edward Hasted, who nearly a century ago, almost single-handed, compiled one of the most complete county histories that was ever written, especially when we bear in mind the difficulties he had to contend with in his searches among the public records, which are now so easy of access; and we must remember also that there were no County Archaeological Societies in those days.

I cannot conclude without thanking Mr. Igglesden (the proprietor of *The Kentish Express and Ashford News*) for the care and assiduity which he has devoted to the printing of this volume, which certainly would not discredit a London house.

While on the subject of printing, I must remind my readers of the fact, that the Weald of Kent has the distinguished honour of being the birthplace of William Caxton.* Is it not remarkable that this *once* dark, uncultivated, and benighted spot, where ignorance so long prevailed, should be the place which gave birth to the man to whom England is indebted for the introduction of the art of printing with fusil types; the man who so materially assisted in dispelling darkness, and breaking through the chains of ignorance and superstition; thus fitting our native land to become the pioneer for the world-wide diffusion of the blessed truths of the Gospel. And I will venture here to submit for public consideration the desirability of perpetuating the memory of this fact by some "Caxton Memorial," say a statue near the Almonry, Westminster, or the foundation of scholarships or exhibitions, or a plain but lofty and substantial pillar or tower in Kentish stone on the highest land in the Weald of Kent (which at one time was supposed to be near "The Merry Tree" on the Hemsted Estate), so that it might be seen by every traveller on the main line of the South Eastern Railway; thus recognizing what England owes to printing, and the establishment of a free and cheap press.

Considering how many persons of station and intelligence inhabit the Weald, and considering the claims which Caxton

* We have this fact from Caxton himself, but we have no positive evidence as to the precise spot. The late Mr. Larking was of opinion he was born in Hadlow, (*Archeologia Cantiana*, vol. ii., p. 231, and vol. v., p. 324), but this is merely conjecture.

has upon the vast world outside, of authors, printers, publishers, and readers, I cannot but think that English-men and English-women would readily respond to the appeal; and that it might be carried out by a wide-spread subscription of a limited amount. Caxton's first book is, I believe, dated about A.D. 1471, so that just four centuries have been suffered to elapse without a memorial of the fact being raised; but "better late than never" should be our motto, and the present year, 1871, would seem a very fit season to set about the work.

Ashford, January, 1871.

THE HISTORY

OF

THE WEALD OF KENT.

CHAPTER I.

INTRODUCTION.—THE BRITONS.—THE DRUIDS.

AS it is expected of the Christian that he should be able to give a reason of the hope that is in him, so ought our increasing population in these days of education to possess a knowledge of the history of their country, especially of the locality in which they reside ; but such knowledge is becoming, I fear, more and more limited. A stock of old books is almost as rare as a stock of old wine. The stall at the railway station supplies the light and sensational reading of the day, as the case of cheap wine takes the place of the well stored cellar in days of yore.

I would ask, how many of the children in our schools (now to be found, thank God, in almost every parish in the county) could tell you the meaning of the word “Weald ?” Might I not ask the same question even among the inmates of many of our own houses ? How many of the inhabitants are aware that in this county alone more than seventy parishes are situate either wholly or in part within

CHAP. I.
Introduction.

CHAP. I.

the Weald? How many are aware that from the time of the Romans until the end of the last century parts of this county, and larger portions of the adjoining one, were full of iron mines, where a "black district" was formed, with furnaces and noisy hammer mills? Again, how many are aware that the Flemish weavers invited by King Edward III. settled in Cranbrook and its vicinity, and that they and their descendants for many a generation worked up our Kentish wools into broadcloth, until the coal found in the north, aided by a better supply of water, drove the people of Kent out of the market as manufacturers of iron, as well as of broadcloth? How often do we find a stranger with an enquiring mind possessing more knowledge of our own locality than we do! Though a certain section of the Americans may profess to sneer at us, still as a nation they are proud of tracing their parentage through us; and are more fond, I believe, of studying our early history than are the rising generation of England.*

It is with a view then to promote a spirit of inquiry among our youth, and at the same time to perpetuate the testimony of those who have gone before us, that I have undertaken to publish this work, an outline of which was delivered by me, as a lecture, in some of the neighbouring towns during the last winter, in aid of local charities.

I am about to speak of a portion of the earth's surface strongly marked for many centuries with the primeval curse of the Almighty, when He declared:—

"Cursed is the ground for thy sake; thou in sorrow
 "Shalt eat thereof all the days of thy life.
 "Thorns, also, and thistles it shall bring thee forth
 "Unbid, and thou shalt eat the herb of the field;
 "In the sweat of thy face shalt thou eat bread
 "Till thou return unto the ground, for thou
 "Out of the ground wast taken. Know thy birth
 "For dust thou art, and shalt to dust return."

* In a recent conversation with a London bookseller, he assured me that just before the civil war broke out in America he exported to that country old standard English works to the value of £2,000 in one year.

Whether or not the "outward face and fashion" of this extensive district was altered by the deluge, as some geologists suppose, certain it is that for many a century it was a desert and a waste, neither planted nor peopled, and filled only with wild animals, herds of deer and game. The Britons called it Coid Andred (Camden, Somner), Coit Andred (Harris, Hasted). "Anrhsed," in British, signifies, Lambarde tells us, great or wonderful. It was also called the Briton's Vale and the Briton's Woody Vale.

CHAP. I.

Our early history is involved in impenetrable darkness. The first inhabitants of this island, whether descended from Gomer the son of Japhet and grandson of Noah, or whatever their origin may have been, had neither leisure nor ability to deliver their beginnings to posterity. Foreign aggressors and continual feuds occupied most of their time.

The Britons.

Macaulay (by many considered an unsafe guide in everything not classical) calls this period of our history an age of fable, and says that "nothing in the early existence of Britain indicated the greatness she was destined to attain. Her inhabitants when first they became known to the Tyrian mariner were little superior to the natives of the Sandwich Islands." This may be quite true in general, but the south-eastern portion of Britain was in advance of other parts of the Island, for a colony from Belgic-Gaul, called by Cæsar the Belgæ,* had improved the inhabitants in civilization. They maintained a considerable foreign commerce. They formed towns or large communities along and near our coast, and used chariots as well for civil as warlike purposes, and their internal communications were on the whole free and numerous. Between the outskirts of this great forest and the sea, the country was thickly populated; and the inhabitants were industrious and had cultivated the soil, of which the Roman invaders, we shall presently find, took advantage; while

* These Belgæ must not be confounded with the Belgians of the present day. The Belgic people of Northern Gaul have been thought to be a mixed race of borderers, a branch of the great Teutonic family.

CHAP. I.

those who lived in the interior of the island subsisted chiefly on milk, and flesh got by hunting, without attempting to till the land.

Kent had acquired the reputation of being more civilized than other parts of Britain, for Cæsar says of them, that the most civilized by far were those that dwelt in Kent, which was a country lying altogether by the sea coast. Neither did its inhabitants differ much in customs from the Gauls. They deemed it unlawful to eat the hare, the hen, and the goose; these animals, however, they bred for amusement. They painted their bodies with woad, which produced a blue tinge, to give them a more horrible appearance in war. They wore long hair on their heads, but shaved it from other parts of their bodies except the upper lip. They were taller than the Gauls, but not so strong.

As bearing on the history I have undertaken to furnish, the following observations by Cæsar and other ancient writers, as Strabo and Diodorus Siculus, will shew the importance attached by the Britons to such a woody district as Coit Andred in time of domestic feuds or foreign invasions.

“Woods stood them instead of cities and towns; for when they had by felling trees mounded and fenced therewith a spacious round plot of ground, there they built for themselves halls and cottages, and for their cattle set up stalls and folds; but it was all done for present use.”

Again—“A town, the Britons call some thick wood a space in which they clear, and which they then enclose and fortify with ditches and barriers of trees, made for a place of refuge and retreat where they build their huts and fold their cattle.”

“They possessed a great quantity of cattle, which, with their land in cultivation, constituted their wealth, and as agriculture was then in its infancy the soil was more adapted for the nourishment of cattle than of men.”

“They lived after the manner of the old world. Their houses were for the most part of reed or logs—they housed

their corn and threshed it out from hand to mouth as their need required. Fair conditioned people, they were plain and of upright dealing, far from the subtlety and craft of the Romans. Their food was simple and nothing dainty, nor like the full fare of rich men."

"They had ships of which the footstocks or upright standards were made of slight timber; the rest of the body framed of windings and osier covered over with leather; and on one of Cæsar's engagements with the Gauls, the Britons sent a fleet of ships to their assistance."

Then as to their highways: it is said they can be distinguished from those subsequently made by the Romans by unequivocal marks. They were not raised or paved, nor always straight, but often wound along the tops or sides of the chains of hills. The one called the Ermyn Street led from the Anderida Portus (Pevensey), in Sussex, and passed through the Weald by Wadhurst, Tunbridge Wells, Bromley, and so on to London; and this Ermyn Street road continued on to Scotland. The Romans adopted this and other roads. These roads do not lead to Roman towns or notice them except when placed on the sites of British fortresses. It has been conjectured that a road followed the shore round the island.

Modern writers are of opinion that mining operations were carried on in this woody vale of the Britons previous to the invasion of Cæsar; and when he speaks of the iron to be found near our coast, though not in large quantities, he clearly refers to the Weald.

I may here observe that Kent was called Cantium by the Romans; and Lambarde, one of our earliest Kentish writers, was of opinion that it owed this name to the fact that the district was shadowed with woods; while Camden, who published his *Britannia* shortly after Lambarde, conjectured that the name was derived from Cant or Canton (written Chent in the record of Domesday), a corner, nook, or angle of land; and subsequent writers have generally adopted this derivation.

Whether or not Gaul and Britain were anciently joined

CHAP. I.

The Druids.

by an isthmus or neck of land, as Camden, Somner, and other learned antiquaries have supposed, it is quite certain that the inhabitants had one and the same religion, and the Druids had the direction of this religion.

Britain was the chief seat of Druidical learning; and Cæsar tells us that such of the Gauls as were desirous of being thoroughly instructed in the principles of this religion usually took a journey into Britain for that purpose; which Mackintosh says may be explained by the natural proneness of such superstitions to take refuge among the blindest of their votaries, and to flee from the scrutiny of civilized and inquiring men.

The priesthood was divided into different ranks, which were distinguished from one another by a particular dress. There was an Arch-Druid who resided in Anglesea and lived in great pomp for those days. The office of the priesthood was hereditary, passing from father to son, but the Arch-Druid was elected from the most eminent of the priestly order by a plurality of votes; and such was the anxiety to obtain this exalted dignity that the election sometimes occasioned a civil war. With the sacred duties of the Druids were also combined important secular ones, for they educated the young, and they interpreted the laws and officiated in civil and criminal matters. The Druidical students were instructed in the depth of forests like the Weald, that their lessons might not be overheard; and nothing was committed to writing. But when the people were taught, the instruction was given from little eminences, of which some are yet supposed to remain. Their hymns, which it was unlawful to commit to writing, were so numerous and long that they occupied frequently twenty years to learn. Man was placed (according to their doctrine) in the circle of courses, good and evil being set before him for his selection, and upon his making choice of the former, death transmitted him from the earth into the circle of felicity. If, however, he became vicious, death returned him into the circle of courses, wherein he was made to do penance in the body of an animal, and

then permitted to resume his human form. The length and repetition of this probation was determined by the vice or virtue of the individual, but after a certain number of transmigrations his offences were supposed to be expiated, his passions subdued, and his spirit dismissed to the circle of felicity.

CHAP. I.

Their places of worship, like their places of instruction, were to be found wherever the oak most flourished, and consisted of a spacious circular area in one of the shady thickets, which though surrounded by oak trees was open at the top; so that Kent, and especially the borders of the Weald, abounding with oak, was well adapted for Druidical worship. Now, groves of oak trees have been reckoned from the earliest times as peculiarly appropriate places for the celebration of religious worship as well as for idolatrous practices. The oak, the noblest of trees, was sacred to Zeus among the Greeks, and among the Romans to Jupiter. Oak worship was, however, one of the most remarkable peculiarities of their religion, and the Druids esteemed the oak the most sacred object in nature. Everything that grew on an oak they believed came from Heaven, and nothing was considered more sacred than the mistletoe if it vegetated on the oak. It was deemed a preservative from all poisons, and was cut with a golden knife, and that on the sixth day of the moon, which was the beginning of their months and years, and of their period of thirty years. They came to the oak on which they observed any of the parasitical plant (which they called all healing), prepared a sacrifice and a feast under this venerable tree, and brought thither two white bulls whose horns were then first tied. The officiating Druid, in a white garment, ascended the tree, and with the golden knife pruned off the mistletoe, which was received in a white woollen cloth below. They then sacrificed the victims, and addressed their gods to make the mistletoe prosperous to those to whom it was given, for they believed that it caused fecundity. They performed no ceremony without the leaves of the oak.

Ezek. vi. 13.

CHAPTER II.

THE ROMAN INVASION.

CHAP. II.
 The Landing
 of Cæsar.
 55 B.C.

IT will be found that the landing of Julius Cæsar, 55 years before the Christian era, is generally made the starting point by those historians who profess to give an authentic history of Britain.

Cæsar having conquered Gaul, now turned his attention to Britain. He knew not whether it was a continent or an island. He prepared a small fleet, and resolved, with two legions (the 7th and his favourite 10th, composing an army of about 12,000 infantry) to penetrate a country which none of the conquerors of the civilized world appear to have seen. As an excuse for his ambitious design, he professed to be offended at the supplies that the Britons had furnished to the Gauls during their wars with him. With all his love of glory, he was no doubt in quest of plunder; and the merchants who found a market in Britain furnished him with the information upon which the plan of his invasion was founded.

The place of
 Landing.

It would be foreign to my object, were I to enter at any great length upon the long-controverted subject of the precise spot where the landing of the Romans was effected, and whether Cæsar first planted his foot in Kent or Sussex; but I cannot pass it by unnoticed, especially as the majority of the writers in our day agree that whether it was in Kent or Sussex it was on or near the borders of the Andred Forest. Our early historians have pointed to Deal,*

* "At this Deale or Dole the constant report goes that Julius Cæsar did arrive and fought a battaile there."—*Camden*.

as the probable place of disembarkation. Dr. Harris (who published his History of Kent just a century and a half ago) says, "It may be pretty well determined that Cæsar anchored off Dover, and the next inquiry will be, whether he sailed from the place of his first dropping his anchor towards Sandwich, or towards Hythe? Which will also be determined by his own account, that the tide was with him in his course, for it being then four days before the full moon at three of the clock in the afternoon the tide would run or set towards Sandwich, and not the other way towards Hythe;" and he then proceeds to give his reasons, and concludes by expressing his opinion that the landing must have been somewhere between Deal and the old harbour of Sandwich.

Of the eight subsequent writers on this subject, four still point to Deal, while four have selected a more westerly direction, and prefer Pevensy and St. Leonards in Sussex, and Lympne and Appledore Bay in Kent. The main question is, how are Cæsar's words, "*ab eo loco progressus*," to be understood? Did he sail in a northerly or south-westerly direction? Mr. Horsley ("*Britannia Romana*," 1782) asserts that it must have been towards the north, near Richborough, and in the direction of Sandwich, "though the particular spot on which he landed and encamped may now be washed away by the sea." Dr. Halley says Cæsar sailed to the east and disembarked at Deal. The present Astronomer Royal (Professor Airy) seeks to overrule the opinion of Dr. Halley, in a paper sent to the Society of Antiquaries in 1852, and assumes that Cæsar embarked from the Somme, and that the landing took place at Pevensy. Then I find a paper from Mr. R. C. Hussey, in the first volume of the Transactions of the Kent Archæological Society, in which this gentleman assumes that the debarkation was on the coast between Bulverhithe and St. Leonards in Sussex; and it is rather fortunate that the Council of this Society announce that they are not responsible for the opinions of their contributors; for in their introductory remarks, in the very same

Phil. Trans.,
vol. iii., p. 440.

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volume, they say, "Here [in Kent] first landed the Roman." Mr. Hussey calls in question the accuracy of Dr. Harris's statement made in 1719 by asserting that "beyond Dover it is needless to look; for although until recently the general assumption has been that he debarked at Deal, it seems now to be clearly ascertained that at the time of his arrival the current of the tide must have carried him from Dover in the opposite direction." While the theory of Mr. Lewin,* in his treatise on the Invasion of Britain by Julius Cæsar, published in 1859, is, that he sailed from Boulogne,† and debarked near the port of Hythe in the vicinity of Lympne, being the eastern part of Romney Marsh.

In the number of the *Athenæum* for the 10th of September, 1859, the Astronomer Royal published some remarks on Mr. Lewin's theory, and repeated his own conviction that Cæsar sailed from the Somme and debarked at Pevensey.

Then, in the third volume of the Transactions of the Kent Archæological Society, published in 1860, we have the opinion of Dr. Cardwell (the late Camden Professor of Ancient History at Oxford), who agrees with Dr. Halley and our earlier historians, and after expressing his opinion that Cæsar embarked at a place called Wissant, and confining himself to Cæsar's own narrative, and assuming (to use his concluding words) what few persons are disposed to deny, that the place of anchorage was off Dover, "I am justified," he says, "in maintaining that the law of the mid-channel as expressed in the tide-tables is not applicable to the case, and that the evidence preponderates in favour of the coast of Deal as the landing place of Julius Cæsar."

Nothing daunted, Mr. Lewin returned to the conflict in 1862, when he published a very able reply to the Astronomer Royal and the Camden Professor, in which he acknowledges the great assistance he had received from the

* This gentleman, who is one of the Conveyancers of the Court of Chancery, and author of the "Treatise on Trusts," has for some years devoted his leisure hours to antiquarian researches.

† In a letter from Mr. S. F. Surtees, published in the *Athenæum*, March 6, 1869, it is suggested that Cæsar's place of embarkation was Flanders.

engineer of the district, Mr. James Elliott, of Dymchurch, to whom I am also indebted for some useful information.

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Mr. Lewin first publishes the answers he had received from Captain Fennings, a resident at Hastings, of considerable nautical experience, and submits, that if they are correct, it is clear upon the footing of the tidal current alone, independently of other objections, that the theory of the Astronomer Royal, that Cæsar anchored off the Hastings cliffs, and then sailed to Pevensey Marsh, cannot be maintained.

He next answers Dr. Cardwell's suggestions, and publishes the replies he had received to the questions submitted to them, from Mr. Druce (the resident engineer at Dover) and others, in August, 1861; these all favour a debarkation in the vicinity of Hythe in preference to Deal.

Dr. Cardwell having disputed Mr. Lewin's statement as to the turn of the tide, and insisted that the Admiralty tables on which Mr. Lewin relied applied only to mid-channel, and that the in-shore tides were very different, the Society of Antiquaries took up the question, and at the instance of Earl Stanhope, their president, induced the Admiralty to order a survey of the in-shore tides off Dover, which were surveyed accordingly; and the report made by the Admiralty to the Society was to the effect that the statements in Mr. Lewin's *Invasion of Britain* were quite correct.

See Archaeologia.

Next appeared in the field no less a personage than the Emperor Napoleon, who in his life of Cæsar advocated Deal, but his calculations were founded on a mistaken translation of the most important passage in Cæsar's commentaries, and on assumptions in respect of the tides which were quite opposed to the facts as established by the Admiralty survey. His theory, therefore, lies buried under the ruins of his own erroneous data.

The last writer on the subject is Mr. Appach, who in his "*Caius Julius Cæsar's British Expeditions, 1868*," conjectures that the landing was effected near Bonnington (one of the border parishes of the Weald); that the sea

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at that time covered the bay of Appledore, and that Cæsar obtained a footing in the upland between Bonnington and Bilsington (another border parish).

Cæsar himself tells us that when he reached our coast, he saw the cliffs covered with the enemy's forces, and not thinking this a convenient landing place, he resolved to lie by until three in the afternoon and wait the arrival of the rest of his fleet. Afterwards finding the wind and tide favourable, he made the signal for weighing anchor, and sailing about eight miles farther stopped over against a plain and open shore. The Britons perceiving this sent their cavalry and chariots before, and following with the rest of their forces, endeavoured to oppose the landing. The advantages were on the side of the Britons, but the Romans at last put them to the rout. The Romans then made a general attack, and the Britons retreated into the woods, which Mr. Appach (from what authority I am at a loss to conceive) ventures to say "were of course not so thick as they are now that they are cut every ten or twelve years for hop poles, and they probably consisted almost exclusively of timber trees so that there would be little or no underwood." Now all this is quite at variance with what Markham afterwards wrote about "the Wealdish grounds," for he tells us in 1649 that from the nature of the soil the untilled lands "will soon grow to frith or wood if they are not continually manured and laboured with the plough."

We gather from Cæsar that large portions of East Kent were at this time under the plough, and better cultivated than other parts of Britain. Now, looking at the soil in the neighbourhood of Deal, Sandwich, Hythe, and Lympne, the Roman foragers were more likely to succeed in obtaining their supplies in either of those localities than on the very edge of the great forest at Hamstreet, or between St. Leonards and Bulverhithe, or at Pevensey. For we may infer from Cæsar's narrative that the Britons became incensed at the gradual disappearance of their crops, until at last there was but one spot where the harvest had

not been carried in, and suspecting the Romans would come there, they concealed themselves in the adjoining woods, and while the Romans were reaping, suddenly set upon them and surrounded them with their horses and chariots. Cæsar came to the rescue, and afterwards returned to his camp. Preparations were then made for an engagement, but the Roman soldiers soon put the Britons to flight, and having burnt all their houses for some distance round* they returned to the camp again. Cæsar, without marching into the interior, shortly afterwards (about the 20th Sept.) returned to Gaul and set sail at midnight, which in our day would not be deemed the act of a conqueror.

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Britain was at this time divided into seventeen petty states, each of which had its head; and when Cæsar invaded it, Kent had at least four kings, princes, or chiefs—what then must have been their number in the whole Island?†

The first invasion took place in the month of August, 55 B.C. Mr. Lewin says "At ten a.m. (or the fourth hour, as the Romans always reckon from six a.m.) on the 27th of August, Cæsar was off the coast of Britain." And before I refer to the second invasion, which took place, it is supposed, about the 18th of July in the following year, it may not be uninteresting if I give here a short account of the system of warfare adopted by the Britons as furnished by Cæsar. Their way of fighting from their chariots is this:—First they drive their chariots on all sides and throw their darts, insomuch that by the very terror of the horses and noise of the wheels they often break the ranks of the enemy. When they have forced their way into the midst of the cavalry they leap from their chariots and fight on foot. Meantime the drivers retire a little from the combat, and

The British mode of warfare.

Jos. xvii. 18.

* If Mr. Appach is right in his theory, Bonnington, Bilsington, and Hamstreet must have been very different and more important places before the Christian era than they are now.

† These small territorial rulers remind us of the kings of the country subdued by Joshua (Josh. xii. 9—24), where every considerable town was under the government of a king.

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place themselves in such a manner as to favour the retreat of their countrymen should they be overpowered by the enemy. Thus in action they perform the part both of nimble horsemen and steady infantry; and by continual exercise and use have arrived at that expertness, that in the most steep and difficult places they can stop their horses upon a full stretch, turn them which way they please, run along the pole, rest on the harness, and throw themselves back into their chariots with incredible dexterity.

Cæsar's Second
Invasion.
54 B.C.

Cæsar having returned to our coast in the spring of the following year with a great fleet, an army comprising five legions, a good supply of corn and other provisions, reached about noon that part of the island which he had marked out the summer before as most convenient for landing. No enemy was to be seen, for though they had assembled with a great force, they had become terrified and had withdrawn themselves into the upland country.* After the debarkation, certain prisoners were captured and were brought to Cæsar, and he learnt from them the exact position to which the Britons had retired, and having left a sufficient force to guard his fleet, Cæsar set out by night in quest of the enemy, being under the less concern for his ships because he had left them at anchor upon a smooth and open shore. After a march of twelve miles he espied the enemy, who having posted themselves behind a river with their cavalry and chariots, began to give him battle, but being beaten back by the cavalry, they retreated towards the woods into a place strongly fortified both by nature and art. The Romans, however, took the place, and drove the Britons out of the wood; they did not pursue them, as Cæsar was unacquainted with the nature of the country, but fortified the camp in that very place. This is Cæsar's account of his proceedings at the commencement of the second invasion.

Horsley and some of the historians who select Deal and its vicinity as the place of debarkation are of opinion

* This favours the theory that the landing (if in Kent) was between Lympne and Sandwich.

that this engagement took place on the banks of the Stour to the north of Canterbury, towards Sturry or Fordwich; while others conjecture that it was on the banks of a rivulet below Barham Downs; one or two other spots in the vicinity of Canterbury have been also mentioned. Mr. Lewin's theory is, that the landing having been effected near Hythe, Cæsar leaving the great forest to his left, marched along the border of it in a more open country to Wye on the Stour, and then crossing the river drove the Britons from their stockade into the wood at Challock on the opposite hill. While the Astronomer Royal insists, in favour of his theory, that the march was from Pevensy to Robertsbridge in Sussex, that the river was the Rother, and that in this march Cæsar would have the great forest on his left, and on his right only a partially wooded country.

Mr. Hussey, though preferring the vicinity of St. Leonards to Pevensy for the landing, agrees with the Astronomer Royal that the battle fought immediately after Cæsar's second arrival was on the banks of the Rother, and in all probability at Robertsbridge.*

Mr. Appach is of opinion that the whole of the 22,500 infantry and 2,000 cavalry were landed in the Bay of Appledore, the ground for the camp selected being between Hamstreet and Kennardington, where there are the remains of some fortifications; but these fortifications, it has been conjectured, were constructed by the Danes.

Mr. Lewin says that Canterbury was then as at present the capital of Kent, and that the British troops retreated in that direction. Mr. Appach agrees with the view of Mr. Lewin, and defines the line of march, namely, through the gap in the chalk downs to the north of Ashford through which the river Stour flows. Neither of these writers gives any authority for arriving at this conclusion, except

* I think neither the Astronomer Royal nor Mr. Hussey refers to the British road leading from Pevensy (*Anderida Portus*) through Eastbourne, Wadhurst, &c., and so on to London, which was called *Ermy* Street.

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that according to Mr. Lewin the bluff headland of chalk which overlooks the Stour and lies between Wye and the Earl of Winchilsea's seat and is covered with a dense wood, agrees with Cæsar's description of the British position, while the distance of that site from Lympne (the landing-place which Mr. Lewin contends for), answers very well to the twelve miles assigned by Cæsar as the distance of the projecting eminence occupied by the Britons from the scene of the debarkation. Both describe the night march; and whether it was at Wye, or on the north-eastern side of Canterbury, or in Sussex, it is certain that the assault directed by Cassivellaunus was made, and that the Britons were repulsed and sued for peace.

With all the valour of the Britons the contest was an unequal one: genius and science asserted their usual superiority. Nearly 2,000 years have since elapsed, and the recent successful, but most costly, Abyssinian expedition, serves to confirm this truth.

Having now brought under notice the opinions of several writers of talent, who all differ on this (to us men of Kent) important question, I must not pursue this interesting subject further. We are not likely to get nearer the truth. Having devoted some little time to the consideration of it, I can but think that the weight of testimony strongly preponderates in favour of Kent. Cæsar himself remarks that Kent was the common landing place for vessels from Gaul: If he had landed elsewhere, would he not have mentioned it, and given his reason? Again, the fact that the four Kentish princes received orders from Cassivellaunus to assault the Roman camp when the ships were at anchor, strongly favours the presumption that the landing was in Kent. Assuming it was so, the difficulty increases when the precise spot is to be selected; and it is not now likely to be unravelled. I would add in conclusion that Mr. Lewin has to my mind established a *prima facie* case in favour of *his* theory, not only as to the county, but also as to the place of debarkation.

CHAPTER III.

OCCUPATION OF BRITAIN BY THE ROMANS.

WE now know that the Britons were far more civilized and wealthy than Cæsar describes them, so that they had even a gold coinage at least a century before his coming; but the people of his time believed that he had been misled with the report of the pearls, gold, silver, and other riches of the country. Cicero in writing to Atticus says, "There is not in the island so much as one scruple of silver; nor any hope of booty but in slaves."

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Evans on the
Coins of the
Ancient Britons, p. 26.

Cæsar accepted the hostages offered to him, fixed the annual tribute to be paid by the inhabitants without appointing any officers to collect it, embarked his men about the 21st September in the same year, returned to Gaul, and never set foot in Britain again. His success was certainly not such as to induce him to attempt the permanent reduction of the whole island, and the truth of his own triumphal statements is called in question by several writers: one of them is so plain-spoken as to observe, that Cæsar wrote his Commentaries with little care, and no great regard to truth.

Cæsar's return
to Rome.

Thus Cæsar did not remain in Britain more than two months, and he could not have advanced far into the interior before hostilities ceased. His progress was first checked by a storm which scattered his fleet, and caused him to return to the camp; and the marching of troops in those days was very different from our present movements by rail. Again, the opinions of historians are divided as to the progress he made through the country. It is very

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questionable whether he advanced farther than Hertfordshire and Essex. Be this as it may, his means of arriving at a correct knowledge of the country he had invaded must have been somewhat limited.

The next winter he went to Rome and offered to Venus, from whom he boasted he was descended, a corslet set with British pearls, as a thanksgiving for his conquest.

44 B.C.

Cæsar became dictator for life, accomplished the reformation of the calendar, and formed the plan of a new legal code; but his earthly career was cut short by assassination, after having fought as many pitched battles as there are weeks in the year.

A civil war followed, which ended in placing Augustus at the head of the Roman world, and thus terminated the Roman Republic, and with it the spirit of ancient Rome; for it has been truly said, that its moral greatness departed, and freedom, which can only be based on virtue, perished.

30 B.C. to 41 A.D.

During the reign of the first three emperors, Augustus, Tiberius, and Caligula, the Romans made but little progress in subduing the Britons, who, we are quaintly told, lived at their own disposal, and were governed by their own kings. In short, Britain was forgotten, and it was not until nearly a century after the first invasion that the Romans really became masters of the island, and made it a tributary province. Claudius was then Emperor of Rome, and Caractacus and Togodumnus ruled in Britain, when certain conspirators fled to Rome and sought the interference of the emperor, who, when appealed to, declined to deliver them up. The Britons, in return, refused to continue the payment of their usual tribute, and put an

The Emperor
Claudius.

A.D. 41 to 54.

end to all commercial intercourse with Rome. At this time the Roman armies maintained their old superiority, and Claudius, rejoicing in a pretext for war, sent Aulus Plautius and Vespasian, then in Gaul, with an army into Britain. Two engagements followed, in both of which the Britons were defeated; and shortly afterwards Claudius himself, anxious to reap the harvest of glory which his generals had sown, left Rome for Britain; and in order to

strike terror among the inhabitants, he took with him several elephants. He found the country still inhabited by a multitude of tribes in a state of lawless independence, and the names of more than forty of these tribes have been preserved. The southern part of Britain apparently made no resistance; but Claudius did not remain in the island more than sixteen days; and having appointed Plautius governor, he directed him to complete the conquest, which it is said he did so effectually that Seneca wrote thus: "Claudius might make his boast that he first vanquished the Britons, for Julius Cæsar only shewed them to the Romans."

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Passing over Nero, and Galba, and the tremendous slaughter from an insurrection of the subdued tribes under Queen Boadicea, and the cruel tortures practised in that barbarous age, we find Vespasian (who fought with distinction in Britain, and had thirty-two engagements with the enemy) proclaimed emperor, when he gave the command or prætorship of Britain to Agricola, who appears to have held it during the short reigns of Vespasian and his son Titus, and the early part of the reign of Domitian. On his arrival in Britain we are told by Tacitus that he found the Roman soldiers careless and secure, whilst the enemy was watching for an opportunity. Having first subdued the inhabitants, he next shewed them the allurements of peace and redressed their grievances. Tacitus says that not one of the forts built by Agricola was ever carried by storm, surrendered, or abandoned whilst he remained in command.

A.D. 69.

Agricola.

It was during the rule of Agricola that Wales and Scotland were conquered and became tributary provinces of Rome, but they were not long retained. Domitian, from motives of jealousy, recalled Agricola, who had done more to extend the Roman power in Britain and to reconcile the inhabitants to the Roman government than any of his predecessors.

Roman Occupation, A.D. 54 to 85.

Kent appears after a time to have submitted quietly to the Roman yoke; and it became a peaceful province, as is testified by the many remains of Roman villas that are

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still found in it, whilst the more remote parts of Britain were for many years the scenes of bloody wars and insurrections.

A.D.
96 to 180.

Nerva, Trajan, Hadrian, Antoninus Pius, and Marcus Aurelius were the five succeeding Emperors, and have been styled the good Emperors. It was during the time of Hadrian that the great Roman wall was raised as a barrier against the incursions of the "untamed Caledonians;" Scotland, which Agricola had partially subdued, at this time having been abandoned by the Romans.

A.D.
378 to 423.

On Roman history I must not dwell, especially as no event of any importance affecting the south-eastern portion of Britain occurred in any part of the subsequent reigns; the people there being entirely subdued, though there was still war between the Scots and Picts and the Romans. Passing over, therefore, Commodus, Pertinax (an African by birth), Severus, and the subsequent emperors, including Constantius and Constantine the Great, a period of upwards of 200 years, and making a formidable chasm in the 367 (from A.D. 42, to A.D. 409) that the connexion lasted, we arrive at the beginning of the fifth century, when the legions had been withdrawn for the defence of Italy; and Honorius not choosing to deprive himself of any portion of his troops for the defence of so remote a province, sent letters to the different cities exhorting them to provide for their own safety; thus treating them as an independent confederation.

Richard, surnamed from his birthplace Richard of Cirencester (by some writers, however, considered a doubtful authority), flourished from the middle to the latter end of the 14th century. In 1350 he entered into the Benedictine monastery of St. Peter Westminster. He visited Rome, and devoted his leisure hours to the study of British and Anglo-Saxon history. The treatise to which he owes his celebrity is "On the ancient state of Britain," and as it is believed to be founded on older authorities that have now perished, I have, in the absence of other materials, thought it desirable to borrow from it the following

particulars connected with the Roman occupation of the south eastern portion of Britain. CHAP. III.

"Britain [he says] was first called by the ancients Albion,* from its white cliffs. On the south side lies Belgic Gaul, from which coast passengers usually sail to the Rhutupian port [Richborough]. This place is distant from Gessoriacum [Boulogne], a town of the Morini, the port most frequented by the Britons, fifty miles. From thence may be seen the country of the Britons, whom Virgil describes in his Eclogues as separated from the whole world.

"The island, according to the most accurate and authentic accounts of the ancients, was divided into seven parts, six of which were at different times subjected to the Roman empire, and the seventh held by the uncivilized Caledonians.

"These divisions were called Britannia Prima, Secunda, Flavia, Maxima, Valentia, and Vespasiana, which last did not long remain under the power of the Romans. Britannia Prima is separated by the river Thamesis from Flavia, and by the sea (rather by the estuary of the Severn) from Britannia Secunda. [It is unnecessary to give the other divisions.]

"I now commence my long journey, to examine minutely the whole island and its particular parts, and shall follow the footsteps of the best authors. I begin with the extreme part of the first province, whose coasts are opposite Gaul. This province contains three celebrated and powerful states, namely, Cantium, Belgium, and Damnonium, each of which in particular I shall carefully examine.

"First of Cantium.

"Cantium [Cantium contained the present county of Kent, as far as the Rother, except a small district in which Holwood Hill is situate, and which belonged to the Rhemi], situate at the extremity of Britannia Prima, was inhabited by the Cantii, and contains the cities of Durobrobis [Rochester], and Cantiiopolis [Canterbury], which was the metropolis, and the burial-place of St. Augustine, the apostle of the English; Dubræ [Dover], Lemanus [situate on the Limen], and Regulbium [Reculver], garrisoned by the Romans; also their primary station Rhutupis [Richborough], which was colonized and became the metropolis, and where a haven was formed capable of containing the Roman fleet which commanded the North Sea. This city was of such celebrity that it gave the name of Rhutupine to the neighbouring shores.† It was the station of the second Augustan legion, under the Count of the Saxon coast, a person of high distinction.

"The kingdom of Cantium is watered by many rivers. The principal are Madus [the Medway], Sturius [the Stour], Dubris [a rivulet at Dover],

* Dr. Giles says that the earliest notice of Albion occurs in a work attributed to Aristotle, who wrote B.C. 340: "Beyond the pillars of Hercules is the ocean, which flows round the earth. In it are two very large islands called Britannic; these are Albion and Ierne."

† Juvenal refers to the Rutupian oysters.

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and Lemanus [the Rother], which last separated the Cantii from the Bibroci.

"Among the three principal promontories of Britain, that which derives its name from Cantium [the North Foreland] is most distinguished. There the ocean, being confined in an angle, according to the tradition of the ancients, gradually forced its way and formed the strait which renders Britain an island.

"The vast forest called the Anderidan stretches from Cantium a hundred and fifty miles, through the countries of the Bibroci and the Segontiaci, to the confines of the Hedui.

"The Bibroci [the Bibroci, Rhemi, or Regni, inhabited part of Hants, and of Berks, Sussex, Surrey, and a small portion of Kent] were situate next to the Cantii, and as some imagine were subject to them. They were also called Rhemi, and are not unknown in record. They inhabited Bibroci, Regentium [Chichester] and Noviomagus [Holwood Hill], which was their metropolis. The Romans held Anderida. * * *

"Among the Britons were formerly ninety-two cities, of which thirty-three were more celebrated and conspicuous. Two municipal [towns whose inhabitants possessed in general all the rights of Roman citizens, except those which could not be enjoyed without an actual residence at Rome. They followed their own laws and customs, and had the option of adopting or rejecting those of Rome.—*Rossini, Antiq. Rom.*], viz.: Verolamium [St. Albans] and Eboracum [York]. Nine colonial [there were different kinds of colonies, each entitled to different rights and privileges; but we have no criterion to ascertain the rank occupied by those in Britain], including Londinium [London], Camalodunum [Colchester], and Rhotupis [Richborough, in Kent]. Ten cities under the Latian law [the Latian law consisted of privileges granted to the ancient inhabitants of Latium. These are not distinctly known; but appear principally to have been the right of following their own laws, an exemption from the edicts of the Roman prætor, and the option of adopting the laws and customs of Rome.—*Rossini.*] Twelve stipendiary and of *lesser consequence*, including Cantiiopolis [Canterbury] and Durobrivæ [Rochester]. But let no one lightly imagine that the Romans had not many others besides those above mentioned. I have only commemorated the more celebrated; for who can doubt that they who, as conquerors of the world, were at liberty to choose, did not select places fitted for their purposes? They for the most part took up their abode in fortresses which they constructed for themselves."*

Fourteen of the cities were of considerable importance, and several had made progress in arts and commerce, as Venta Belgarum [Winchester] and Londinium [London]. Most of the towns, however, were used more as military

* The foregoing extract is taken from Dr. Giles's Translation and Notes on the Six old English Chronicles, published in Bohn's Antiquarian Library.

stations for preserving order, enforcing the payment of the taxes, and for defence. Between these towns swift waggons passed to give notice of what was going on ; and inns and mutations (where post-horses were changed) and mile-stones were also set up. Near to the roads were tombs and sepulchres, reminding the passers by that they also were mortal. These roads were admirable ones, and were carried across the island in various directions, including the three public or consular ones in this county.

The Roman governors at first were the *proprætors* or military officers. Afterwards, when the whole empire was divided into provinces and four *præfects* were appointed with whom rested all civil and military power, Britain was included in the prefecture of Gaul. These *præfects* were controlled only by a *quæstor*, whose peculiar department was finance. The government of Britain was entrusted in after days (A.D. 360) to an officer called *Vicarius*, under him five governors of provinces were appointed, two of consular rank and three presidents. There were three other great officers in Britain—the count of the Saxon shore, the count of Britain, and the duke of Britain. The first officer had charge of our south and eastern coasts, extending from Portsmouth along the Kentish coast and Great Forest to Brancaster in Norfolk, and his duty was to oppose the piratical descents which proved so fatal to this Island. The count of the Saxon shore had under his command forces stationed at Reculver, Richborough, Dover, Lympne, and Anderida. All these places were Roman ports and forts.

The municipal government established by the Romans would have given the Britons great advantages, but the poison of a foreign domination had sapped the vital energies of the country. When their natural courage, which had been so tamed and deadened, was aroused, we find them hereafter assisting in that struggle which they were soon called upon to sustain, under British and not under Roman names.

Macaulay says that though Britain was subjugated by

CHAP. III.

the Roman arms, she received only a faint tincture of Roman arts and letters. Of the western provinces she was the last that was conquered and the first that was flung away; and Mackintosh avers that Roman Britain did not produce a single literary man. The inhabitants did not take to the language of their rulers, and the Latin appears never to have superseded the old Gallic speech.

The soil, however, proved fertile, and the Romans became large exporters of cereals from Britain through its annona or corn tribute, and 800 ships in one year traversed the ocean for British grain.

There was a Roman pottery at Dymchurch, near the borders of the Weald; but the principal Roman potteries in Kent were on the banks of the Medway.

Canals were dug and embankments raised against the sea, especially in the neighbouring district of Romney Marsh. The Romans also constructed bridges in place of our fords.

It is ever to be expected that the invaded and those who chronicle their doings, should find fault with the invaders; still it must be conceded that great improvements resulted from the Roman dominion in Britain. "Every year," Mr. Smiles tells us, "brings their extraordinary industrial activity more clearly to light." Iron appears to have been scarce, at least, as late as the beginning of the third century; probably because it was not diligently sought for. Herodian informs us that the tribes in the remoter parts of Britain who opposed Severus decked their loins and necks with this metal, and esteemed it not only as an ornament but as a proof of wealth.

During the period that Rome held Britain as a tributary province, but little progress was made in bringing the great forest of Andred into cultivation. Its density and the nature of the soil were impediments to this; though there is every reason to suppose that mining operations were carried on there.* Iron certainly became one of the exports of Roman Britain, and

Dr. Guest on
the Belgic
Ditches,
Arch. Jour.,
July, 1851.

The Sylva
Andred.

* Caesar mentions iron "in maritimis partibus," which must refer to the Weald.

the principal iron districts at this period were in Gloucestershire and in our forest of Andred, forming the Wealds of Kent, Sussex, and Surrey. The cinder heaps, and the coins of Nero, Vespasian, and other emperors, from time to time found in the forest, establish this fact. Two Roman urns were discovered about ten years ago, in a bog (which the good people of the Weald call a hassock), not far from Frittenden Church, surrounded by brushwood. The urns were of black earthenware, not unlike those made in the Upchurch marshes; they were found in a hole with decayed vegetable matter to the depth of ten or twelve feet. Now this district was unreclaimed forest for centuries after the Roman occupation of Britain ceased. A few years ago some fragments of Roman construction were found in the walls of Frittenden Church: is it not, therefore probable that some attempt at smelting had been made here? The Roman process of smelting was so imperfect that in comparatively modern times smelters have often, it is said, found it more profitable to re-commit the old scorice to the furnace than to dig for fresh ore. Andrew Yarranton, who wrote on "England's Improvement by Sea and Land," in the latter part of the seventeenth century, tells us that—

"In the Forest of Deane and thereabouts the iron is made *at this day* of cinders, being the rough and offal thrown by, in the Romans' time, they then having only foot-blasts to melt the iron stone;* but now (1681) by the force of a great wheel that drives a pair of bellows 20 feet long, all that iron is extracted out of the cinders which could not be forced from it by the Roman foot-blast."

In a dialogue by Yarranton between "a tynn miner of Cornwall, an iron myner of the Forest of Deane, in Gloucestershire, and a traveller," the following amusing statement will be found:—

"Well, sir, as to make it clear to you that iron was in England a thousand years since, is very evident by those great heaps of cinders formerly made of iron-stone, they being the offal (or waste) thrown out of the foot-blasts by the Romans, they then having no works to go by water to drive

* Mr. Smiles says, "It is worthy of remark that the ruder the method employed for the reduction of the ore, the better the quality of the iron actually is."—*Industrial Biography*, p. 12.

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Iron works.

Communication from Mr. R. C. Hussey, to Arch. Jour., 1858.

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bellows, but all by the foot-blast; and at present great oaks are growing upon the tops of these cinder-heaps, and monies continually is found amongst these cinders; but such as is found is all of the Roman coin, most of which monies is copper; very little found (of late days) that is silver; and this offal of the foot-blast (by the Romans then cast by) doth at present make the best and profitablest iron in England.”*

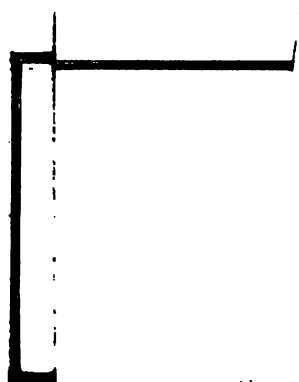
Roads.

With the assistance of my townsman, Mr. Thurston, and Mr. Elliott, of Dymchurch, both ever ready to assist inquiring minds, I am enabled here to supply the reader with a map of the Great Forest in the time of the Romans. In preparing it we have been guided, in some measure, by the estimated extent handed down to us, and the geological boundary as recognized in the present day. The roads, cities, towns, and ports which have been introduced are those generally adopted by ancient and modern writers, except the *British* city of Anderida, which for the reasons hereafter given in Chap. VI., I have ventured to place on the site of the modern Newenden, in Kent, while the *Roman* station and city of Anderida will be found at Pevensey. In Mr. Wright's map of “*Britain under the Romans*,” Sylva Anderida is distinguished as a town on a line of road from Pevensey to London, passing through Noviomagus. I find no authority for the road or place in either of the ancient itineraries (unless it is intended for the site of present Newenden), and I have omitted them.

It is generally believed that from the earliest period of our history there was a coast road as described in the XV. Iter of Richard of Cirencester from Regnum [Chichester], by the port of Anderida, passing behind Folkestone to Dover, and thence to Richborough; I have shewn this road on the plan, and I shall again refer to it.

I have omitted Durolenum (sometimes called Durolevum), Noviomagus, and Vagniacæ, as almost every writer,

* Mr. Smiles says (*Industrial Biog.*, p. 11) “We can only conjecture how the art of smelting iron was discovered. Who first applied fire to the ore and made it plastic—who discovered fire itself and its uses in metallurgy? No one can tell. Tradition says that the metal was discovered through the accidental burning of a wood in Greece. Mr. Mushet thinks it more probable that the discovery was made on the conversion of wood into charcoal for culinary or chamber purposes.—*Papers on Iron and Steel.*”



ancient and modern, places them on different sites ; but not one of them is supposed to have stood within the Weald.

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The Roman roads from Lympne, Dover, and Richborough, which united at Canterbury, and continued thence to London, afterwards called by the Saxons Watling Street (from one of their own mythic traditions) was an important one. That portion of it which led from Lympne to Canterbury appears to have been paved with flag stones fitted together with care, though of all shapes and sizes, according to the Roman practice, from which circumstance it was and is called Stone Street.

Wright, p. 184.

To another British road the Saxons gave the name of Eormen Street, from one of their divinities, afterwards corrupted to Ermyn Street. It is *supposed** to have proceeded from Scotland to London, where it divided into two branches ; and that the more westerly went to Chichester, while the easterly branch was continued to Pevensey, both passing through the forest, but the route is uncertain. Mr. Horsfield says there is ample evidence of the remains of British and Roman roads in Sussex and Hampshire, as well as Roman habitations ; but our knowledge of these roads is obscure and imperfect, as the ancient itineraries are of but little assistance. That of Antoninus is not supposed to make a single stage in Sussex, nor to touch at any one stage in the county, except that his VII. Iter begins "A Regno" [Chichester] ; but instead of proceeding the nearest way across the Weald to London, it unaccountably goes to Clausentum [Southampton], and thence takes its course by Winchester to London ; and Mr. Dallaway, in his "Western Sussex," asks whether the necessity of going so far out of the way from Chichester to London, as by Southampton, could arise from any other circumstance than that of the impracticability of passing through the Weald during the

Horsfield's
Hist. of Sus-
sex, vol. i. p. 57.

* "In many places are vestiges of a continued road skirting the western side of the island, in the same manner as the Ermyn Street did the eastern, of which parts were never adopted by the Romans."—*Appendix to Richard of Cirencester*, Bohn's Ed., 479.

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Roman occupation of Britain? Now, looking at the untiring energy and perseverance of the Romans, and at what they effected in Romney Marsh, and other parts of England; bearing also in mind that the district must have been thinly populated and there was no urgent necessity for such a direct communication with London, I submit that this conclusion is the only safe one we can come to.

Be this as it may in the Weald of *Sussex*, I cannot find any authority for showing either a British or a Roman road at this period of our history through that part of the great forest which now constitutes the Weald of *Kent*.*

We can thus account for the road already referred to (being the XV. Iter of Richard of Cirencester) "From London through Bittern (near Southampton) again to London," which makes a complete circuit of the forest, encompassing considerable portions of Kent, Sussex, Surrey, and Hants; and this in some measure adopts the extent and boundary hereafter given to the forest by the Anglo-Saxon Chronicle. For the reasons already named I have omitted some of the sites of the stations mentioned in this Iter.

I will now refer briefly to that portion of our map lying between the Weald and the sea coast.

Romney
Marsh.

It is somewhat remarkable that such vast districts as Romney Marsh and the Andred Forest, occupying so large a space in Kent, should be so contiguous, and yet in every way differ so materially. For whatever mighty convulsion must have taken place, at no one period of history can we discover the latter other than a wild forest without any regular or defined boundary; while a large portion of the entire district of Romney Marsh was, 2,000 years ago, part of the vast ocean; and what is now some of the finest grazing land in the world, was for many ages nothing more than a low swampy morass, always however preserving a separate and distinct boundary.

The forest was drained by the river Limen or Rother.

* Harris says the Romans were kept out of it by the thickness of its woods and the badness of its ways. B. I., pt. 3, p. 347.

which rises near Argus Hill, in Rotherfield parish, Sussex, and flowed originally, it is supposed, along the foot of the hills, finding an outlet at Lympne; then it shifted its course towards Romney, and as we proceed we shall find that its course became eventually diverted to Rye. Three small rivers—the Tillingham, rising in Beckley; the Brede, in the neighbourhood of Battle; and the Tweed, in the parish of Playden—all unite with the Rother.

Mr. James Elliott (the district engineer) remarks that though he is constantly discovering Roman remains in Romney Marsh proper, he never finds any in Walland and the adjoining marshes, thus proving that Romney Marsh was the first portion of the district which was inclosed. He is of opinion that there must have been a shingle spit on the site of the present sea wall at Dymchurch, before the time of the Romans, as the surface of the Marsh though from eight to ten feet below high water mark, is, it must not be forgotten, fourteen feet above low water mark, a state of things which could not have existed if the Marsh had not been shut off from the sea, the slope of the surface of the Marsh being from the sea towards the hills; and this surface he believes to be in the same position with reference to the sea and high water mark as it was at the time it was shut off from the sea, as silting up had then ceased.

In further illustration of the map, I am indebted to my friend Mr. Henry Mackeson, of Hythe (who, while actively pursuing his daily avocations, is ever ready to assist in the advancement of knowledge), for a geological description of the district, which will be found in the Appendix (A).

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Lewin's Portus
Lemanus of the
Romans, com-
municated to
the Society of
Antiq., p. 14.

Horsfield,
vol. i., p. 5.

CHAPTER IV.

INTRODUCTION OF CHRISTIANITY INTO BRITAIN.

CHAP. IV.
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BEFORE I refer to the departure of the Romans, and settlement of the Saxons, I must give a brief history of the introduction of Christianity into Britain; for though it took centuries to reach the benighted district I have undertaken to describe, it did at last reach it.

The precise period when the Christian religion found its way into Britain, like the precise spot on which Julius Cæsar first landed on our coast, must probably for ever remain undetermined. Still, we are not left altogether without some light to guide us; early writers assume that it was before the end, or perhaps even the middle of the first century. Justin Martyr, who lived about the year of our Lord 140, says there was then no country known to the Romans where Christianity was not known also; and Tertullian, a little later, exultingly declared that the parts of Britain inaccessible to the Roman arms had been subdued by Christ.

Is, then, its introduction to this island to be ascribed to either, and if so, to which of the Apostles?

St. James.

Some writers have concluded that it is to be traced to the labours of the Apostle James, who preached the Gospel in Spain, Britain, and other countries in the west. His early martyrdom, however, as related in Acts xii., 1 and 2, renders such a supposition very improbable. There are those who have keenly contended for Saint Peter as having founded the British church; but this also does not appear probable. At a late period of his life he wrote from Baby-

St. Peter.

lon, in the extreme east, and he suffered martyrdom at Rome A.D. 65. The evidence, it would seem, greatly preponderates in favour of Saint Paul, the apostle of the Gentiles, who is supposed by many ancient writers to have passed, after his second imprisonment at Rome, the latter years of his life in the western provinces, of which Britain was one. This view was strongly maintained by a very learned prelate, Bishop Burgess, of Salisbury, who discussed the matter in his "Tracts on the Origin and Independence of the Ancient British Church;" but to it may be opposed the more recent opinion of the Rev. W. J. Conybeare, M.A., and the Rev. J. S. Howson, M.A. (now Dean of Chester), the authors of the "Life and Letters of St. Paul," and they say that the tradition of St. Paul's visit to Britain rests on no sufficient authority.

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St. Paul.

Gildas (an ancient British author who flourished in the year 546, and acquired the name of the Wise) appears to fix the introduction of Christianity into our Island about the year 61.

Soon after the south-eastern part of our coast had been formed into a Roman province under Claudius, Aulus Plautius (as we have seen) was appointed the first governor, and his wife Pomponia Græcina was accused of having embraced a strange and foreign superstition, which has been interpreted to mean that she was a Christian; she was possibly the first who introduced the new religion into Kent. It has also been thought that Claudia Rufina, the wife of Aulus Pudens, mentioned in 2 Tim., iv., 21, was a British lady, and the daughter of either Caractacus, or of Cogidubnus, King of Regnum (Chichester).

Aulus Plautius

Claudia Rufina

There is a popular legend, told by William of Malmesbury, which alleges that Joseph of Arimathea was sent into Britain by Philip, A.D. 63, with eleven other disciples, and planted the Christian religion here, and that the first Christian church in Britain was built at Glastonbury to the honour of the Blessed Virgin. But Dr. Harris, our county historian, who evidently wishes that Christianity in Britain should be first planted in Kent, discredits this

p. 483.

CHAP. IV.
 Ant. of Brit.
 Churches, c. 2.

legend, and says it was a mere monkish invention to gain credit to their convent; and Bishop Stillingfleet contends that it has no good authority to support it.

It has ever been part of the papal policy to impress the world with the belief that the British church was the offspring of Rome; while the theological writers of the reformed church of England have always contended that there was a greater resemblance in the early British church to the practices of the churches in Asia Minor than to those of the church of Rome.

King Lucius.

Bede, who was born in the vicinity of Wearmouth, and flourished in the seventh century, when he wrote the Ecclesiastical History of England, tells us that towards the close of the second century the thick mists of superstition were scattered, and the heavenly light and brightness of Christianity shone upon this Island by means of a British king named Lucius,* who, admiring the integrity and holy life of the Christians, made petition to Pope Eleutherus, by the mediation of two Britons, that he and his subjects might be instructed in the Christian religion. On this the pope sent hither from Rome two holy men with letters (which Camden says were extant in his day, and not forged), who instructed the king and others in the mysteries of the Christian religion. The truth of this statement may be questioned, as it must be remembered that there were no kings in Britain at this period, the whole Island having been reduced by Claudius, but Camden explains this by stating that he might have been a titular king, which was frequently the case in Roman provinces.

p. 67.

p. 4.

p. 100.

Kilburn, the Kentish writer, who wrote in 1659, calls Lucius the first British king who embraced Christianity; and he states that he built the church in Dover castle. Dr. Harris, who published his History in 1719, adopts these statements, and adds that Lucius endowed his church with the customs of the port. In support of this, he refers

* I remember to have read somewhere that King Lucius built himself a palace at Chilham, and resided there; but the truth of this tradition may be questioned.

to Leland, who states that he had seen the annals of Dover, wherein it is said that this chapel was built by him; and one of our modern writers, the Rev. A. Hussey, considers the matter clearly proved.

CHAP. IV.
Hussey's
Churches,
p. 59.

Bede states that a church spacious and large was built by the Christians in the time of the Romans* on the site of the present cathedral at Canterbury, and that the common tradition was that it was built A.D. 161, when Lucius was king of this part of Britain; and that the churches of St. Martin Canterbury, and in Dover castle,† were built shortly afterwards, and before the Diocletian persecution.

Lib. i., c. 3.

In a subsequent part of his work, Dr. Harris, ever anxious to uphold the honour and just claims of our county, asserts, "Notwithstanding the papists have the assurance to boast sometimes that they gave us our Christianity, I don't at all doubt but that we had the open authoritative profession of Christianity in Britain and in Kent before ever there was any such thing even in Rome itself;" but he afterwards admits that he has not data enough to determine where to place King Lucius, though Primate Usher had made it plain that there was such a prince, and that he was not king over all England, but only in some particular part; and in his History of Canterbury Cathedral, Harris refers to Somner and the authorities mentioned by him in support of the tradition.

p. 488.

p. 493.

Hasted, in his History of the Cathedral, says, "The origin of a Christian Church on the site of the present Cathedral is supposed to have taken place as early as the Roman Empire in Britain, for the use of the ancient faithful and believing soldiers here, and that Augustine afterwards found such a one standing here adjoining King Ethelbert's Palace. This supposition is founded on the

vol. iv., Fo. Ed.
p. 503.

* Dr. Giles, his editor, however, tells us that Bede shows himself very confused on subjects of Roman history.

† This church has been restored by Mr. G. G. Scott, who thinks it is probably about the most entire among all the pre-Norman remains which have come down to us. He also states that Mr. Parker has a theory that it is not earlier than the time of Canute. Arch. Cant., Vol. V., p. 1.

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Vol. iv., p. 58.

records of the Priory of Christ Church concurring with the common opinion of all our historians." But as to King Lucius, Hasted quotes Baxter, who in his Glossary says, "He was a person feigned by the monks, interpolators of Bede—nor was there in the time of Pope Eleutherus any such monarch of Britain, and as to the epistle sent by that Pope to him, Spelman thinks it came in with the Conqueror, nor was heard of here before." Spelman, however, is somewhat hard of belief on many subjects, although credulous enough on others.

Dean Stanley, it will be remembered, commences his "Historical Memorials of Canterbury" with the landing of St. Augustine. He does not speak of a Christian church at Canterbury in the time of the Romans, but in a note (p. 16) tells us that the churches of St. Martin Canterbury, that in the castle of Dover, and that of St. Peter Cornhill, as well as Westminster Abbey and Winchester Cathedral, are all traced to King Lucius by Archbishop Usher.

"The Celt,
Roman, and
Saxon," p. 300.

Mr. Wright states that the accounts of the supposed establishment of Christianity in our island at this early period may be divided into three classes. The first must be taken as little better than flourishes of rhetoric. In the second must be placed the statements of certain ecclesiastical writers who lived shortly after the Roman period, which look like inventions. But the most extravagant of the authorities he places in the third class, when the popes began to claim a sovereign power, and were anxious to make it appear that the whole of the Western Empire had been converted at an early period, and had been dependent on the Roman see. With this view, legendary stories were invented which will not bear criticism. He refers to the cases of Joseph of Arimathea and St. Paul, and considers there is no authority for either of these legends. As to the case of King Lucius, he says decidedly that it can only be regarded as a Romish fable.

In a very recent publication on "The Early Ecclesiastical History of Britain," edited by Professor Stubbs and

M. Haddan, based on Wilkins's *Concilia*, M. Haddan declares that he also has very little faith in the legendary period of British ecclesiastical history; and after referring to the several early traditions already enumerated, he submits that it is necessary for the sake of historical truth to insist that we have no positive evidence of the existence of a Christian British church before the beginning of the third century. He is also of opinion that there were diocesan bishops from its earliest establishment, but no archbishop prior to the arrival of St. Augustine.

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But though we may never be able to fix the precise period when and by whom the blessed truths of the Gospel were first introduced into this Island, it is certain that persecution for the truth's sake (as its Divine founder foretold) followed; and we find recorded the martyrdom of St. Alban (supposed to be the first Christian martyr in Britain), which took place in the town now called after him in June, 303. After an interval of time, peace and tranquillity were restored; and Gildas says the British Christians came out of the lurking places to which they had retreated, rebuilt their ruined churches, and kept their sacred solemnities with pure and joyful hearts. When the doctrine taught by Arius distracted the Christian world in the fourth century, a doctrine which Gildas (a gloomy writer) describes "as fatal as a serpent, and vomiting its poison from beyond the sea, causing deadly dissension between brothers inhabiting the same house," the emperor Constantine became the leader of the catholic party—the eastern and western parts of the empire appeared completely opposed, and it was feared a breach would be caused between the two churches. The individual, it is said, who contributed above all others to the triumph of the orthodox party was Athanasius, who felt that to maintain the Arian doctrine was to destroy the very root and groundwork of the Christian life. Notwithstanding this controversy, which reached our shores, both Jerome and Chrysostom in their writings frequently speak in strong terms of the constancy of the British Church. They say that Christianity obtained

St. Alban.

p. 304,
Bohn's Ed.

CHAP. IV.

a firm footing in this remote Island, and flourished until the Romans quitted Britain; and further, that it was the only institution they transmitted entire to the barbarians.

In concluding this chapter I am sure I shall be pardoned for quoting a beautiful passage from F. Schlegel's Lectures on the Philosophy of History—Robertson's translation:—

Vol. ii. p. 28.

"In this period of the world, in this decisive crisis between ancient and modern times, stood two powers opposed to each other. On the one hand we behold the Roman Emperors, the earthly gods and absolute masters of the world, in all the pomp and splendour of ancient Paganism—standing as it were on the very summit and verge of the old world, now tottering to its ruin; and on the other, we trace the obscure rise of an almost imperceptible point of light from which the whole modern world was to spring, and whose further progress and full development through all succeeding ages constitutes the true purport of modern history."

"Christianity," says the same writer, "in its primitive influence was like an electric stroke which traversed the world with the rapidity of lightning; like a magnetic fluid of life, which united even the most distant members of humanity in one animating pulsation. Public prayer and the sacred mysteries formed a stronger and closer bond of love among men than the still sacred ties of kindred and earthly affection. The Christians saw and felt the presence of their invisible King and eternal Lord; and when their souls overflowed with the plenitude of spiritual and heavenly life, how could they value earthly existence, and how must they not have been willing to sacrifice it in the struggle against the powers of darkness; for that struggle formed the whole and proper business of their lives! Hence we can understand the reason of the otherwise incredibly rapid diffusion of Christianity through *all the provinces*, and even sometimes beyond the limits of the vast empire of Rome. Like a heavenly flame, it ran through all life, kindling, where it found congenial sympathy, all that it touched into a kindred fervour. Hence, along with that mighty spirit of love which produced so rapid a spread of the Christian religion, and which united in the closest bonds the first Christian communities, the energy of faith which inspired such heroic fortitude under the dreadful and oft-renewed persecutions of the Romans."

This is a charming picture, but did such a state of things really exist in Britain during its occupation by the Romans? If so, it could only have been in a few favoured spots; but does it not savour too much of the flattering reports we receive from our modern missionaries? On this point we have only negative evidence, but this forces us to believe the sketch far too highly coloured. On the Roman monumental inscriptions found in most parts

of our county (except the Weald) there are no traces of Christianity. They commemorate Roman legionaries and civil officers; also barbarians from nearly every part of the then known world; all these make mention of their deities; but the name of the Lord and Saviour of mankind is not to be traced on any of them. In fact these various peoples formed the governors and garrison of the country, and not its population.

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Which then are we to believe? The contemporary Roman monuments, or the monastic writers of a later date? But perhaps they may be reconciled, as they relate to different periods. The inscriptions are most probably the earliest in date, and the ignorance and poverty of the Christians of that day must also be taken into account. The one would lead them to do without monumental inscriptions, and the other would render their churches so inferior in architecture to the heathen temples, as to occasion no great surprise that they have left "not a wreck behind."

CHAPTER V.

THE DEPARTURE OF THE ROMANS, AND SETTLEMENT
OF THE SAXONS.CHAP. V.
—

GILDAS, and some of our early historians, have drawn melancholy and probably exaggerated pictures of the state of Britain when the Romans abandoned it. It is difficult to fix the precise period when this occurred; but it is now believed that their troops were gradually withdrawn, and that the Saxons did not acquire their settlement in England in that dramatic and rapid manner which has been related by many of our native historians.

"Celt, Roman,
and Saxon,"
2nd Ed., p.391.

Wright says that it was in the year 410* that Honorius acknowledged the freedom of the Britons, and sent letters to the cities exhorting them to provide for their own safety; and he tells us that as in Canterbury and other places Roman and Saxon interments have been found in the same cemetery, it is more than probable that the Saxons by their predatory attacks had been gradually gaining a footing in the island before the period at which the grand invasions are said to have commenced; and permanent settlements were in the course of formation, especially on the southern portion of the island. In short, that German blood then predominated to a great extent in many of the Roman

* Mr. Lewin, in his paper on the *Castra of the Littus Saxonicum*, communicated to the Society of Antiquaries in 1868, says it was in "409, after a rule of just 367 years, that the Romans abandoned the island, which thenceforth, until the arrival of the Saxons about half a century later, was a miserable wreck, held in piecemeal by domineering municipalities or by ambitious chieftains—aptly designated by Procopius as tyrants."

cities in Britain. He, however, regards this period of our history as one involved in profound obscurity.

CHAP. V.

The Britons, abandoned by their Roman masters, seem to have proved unequal to the task of self-government. Internal dissensions, with plunder and famine in their train, drove them once more into the woods and forests for protection and bodily sustenance. Vortigern was acknowledged by the Britons as their chief or king, but the heads of the different states were jealous of each other, and unity did not reign in their councils. Vortigern, according to the character handed down to us by all the ancient writers, did not possess those qualities so requisite for governing such a distracted country; and tradition says he resorted to the fatal expedient of hiring some of the marauders as a protection against the rest. In consequence, two of their chiefs, Hengist and Horsa, brothers it is said, descended from Woden, sailed for Britain, and disembarked in the Isle of Thanet, where they were received by Vortigern.

A.D. 449.
Vortigern.

William of
Malmesbury,
Bohn's Ed.,
p. 7.

Hengist and
Horsa.

Geoffrey of Monmouth, who lived in the early part of the twelfth century, and was Bishop of St. Asaph, wrote the *Historia Britonum*, a book full of fables, and often referred to with contempt. I only quote it to give the reader his description of the transaction:—

"In the meantime there arrived in Kent three brigantines, or long galleys, full of armed men under the command of two brothers—Horsa and Hengist. Vortigern was then at Dorobernia, now Canterbury, which city he used often to visit; and being informed of the arrival of some tall strangers in large ships, he ordered that they should be received peaceably and conducted into his presence. As soon as they were brought before him he cast his eyes upon the two brothers, who excelled all the rest both in nobility and gracefulness of person, and having taken a view of the whole company, asked them of what country they were and what was the occasion of their coming into his kingdom. To whom Hengist (whose years and wisdom entitled him to a precedence) in the name of the rest made answer."

Giles' "Six Old
Eng. Chron.,"
p. 183.

Then follows the answer and Vortigern's reply, clothed in the most pompous language.

An alliance was formed, the strangers fulfilled their part of the treaty by driving back the Scots and Picts, and

CHAP. V.

Hengist was afterwards invested with the government of Kent. So pleased, however, were the Saxons with their new quarters, that they invited their countrymen to cross over to them, and they soon began to plunder the very country they had traversed the ocean to protect.

p. 396.

Wright doubts whether the first Anglo-Saxon settlement was under Hengist and Horsa. He thinks it probable they had been preceded by the Angles in the north, for when we first become acquainted with them, this tribe appears to have been long in undisturbed possession of the whole country from the Humber to the Wall of Antoninus.

Lewin on the
Castræ of the
Littus Saxoni-
cum.

As closely connected with our subject, it will not be out of place if I again briefly allude to the Castræ of the Littus Saxonicum on our south-eastern coast. Mr. Lewin, in fixing the probable period of their erection, in the paper I have already referred to, distributes them into two classes—those built to suppress rebellion or to keep open continental communications, and those erected to meet any sudden invasion from a piratical enemy. Of the former, on the south-eastern coast, were the Castræ at Reculver, Richborough, and Dover; and of the latter, Lympne, Pevensey, and Bramber castle. The first, he considers, were in existence shortly after the invasion of Aulus Plautius, but to those designed exclusively to counteract piratical invasion, he is unable to assign any precise date, though he surmises it was between A.D. 289 and A.D. 409.

A struggle now commenced between the Britons and Saxons which lasted a century and a half, and terminated in extirpating or expelling nearly all the British population from this portion of the island. At the beginning of this struggle Vortigern was deposed, and his son Vortimer placed on the throne. Several bloody battles followed, victory alternating between the contending armies. One of these engagements, it is supposed, took place between Folkestone and Hythe, when the Britons were victorious.

Nennius tells us the fourth battle he fought was near

the Stone on the shore of the Gallic sea, (possibly Stonar, near Sandwich), where the Saxons being defeated fled to the sea. Vortimer shortly afterwards died, but before his decease,

CHAP. V.
Somner's
"Ports and
Forts," p. 97.

"Anxious for the future prosperity of his country, he charged his friends to inter his body at the entrance of the Saxon port, viz., upon the rock where the Saxons first landed; 'For though,' said he, 'they may inhabit other parts of Britain, yet if you follow my commands they will never remain in this island.'"

Nennius.
Bohn's Ed.,
p. 405.

The Britons disobeyed his injunctions, and were severely punished, we are told, by the return of the Saxons. Vortigern (the father) was then restored to the throne; a cessation of hostilities followed; and the Saxons withdrew to Kent and Northumberland, the districts which had been before assigned to them. Hengist obtained a strong reinforcement of Saxons; several bloody battles were fought, the Britons abandoned Kent, and Hengist assumed the title of King of Kent.

In matters affecting time which has past, as well as in those which concern eternity, there is, in this our day, a strong tendency to scepticism. Macaulay says that Vortigern, Hengist, and Horsa, are mythical persons, whose very existence may be questioned, and whose adventures must be classed with those of Hercules and Romulus. "Modern historical criticism (says another writer), which has dissipated some of our most cherished classical illusions, will no longer listen to the old story of Vortigern seeking assistance from Saxon chieftains having such equivocal names as those of Hengist and Horsa." Another writer says the account is purely fabulous, being in fact not the history but the tradition of the Jutish kingdom of Kent. Though many of our great scholars are decidedly of opinion that much that has been written in the chronicles of the fifth century is fictitious, still the late Mr. Sandys has, I submit, proved, in his *Consuetudines Kancie*, that these chieftains were not the mere mythic heroes of poetry and of romance that it is now the fashion to assert; but that they did exist, and that they sustained the character and performed most of the actions attributed to them.

His. of Eng.,
vol. I., p. 6.

Mallet's
North. Ant.

Dr. Giles, in
his pref. to
Bede.

Sandys' "Cons.
Kan.," p. 20.

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We now find the Saxon population spreading itself over the east of the island. The British chiefly retired to the west, while some sought refuge in Brittany, and a connection was thus established between Wales and that province, of which traces still exist in the language of each.

The
Heptarchy.

A constant succession of exterminating and internal wars, a temporary disappearance of the Christian religion, and the obliteration of much of former civilization, followed; the language and almost all the arts of the Romans were forgotten, and our island began to bear the name of "Engla-land." Seven independent kingdoms were formed by the piratical invaders, now included under the common name of Anglo-Saxon. The three most extensive were to the north, and were inhabited by the Angles. The four richest and most populous were to the south, and were inhabited by the Saxons. These consisted of Kent, peopled by the Jutes, founded by Hengist in 460;* of Sussex, as we shall presently see, in 491 by Ella; of Essex, in 527, by Ercenwin; and of Wessex, the most powerful of the southern kingdoms, in 519 by Cerdic. The opposite courses of the Thames and Severn separated the Saxon kingdoms from those of the Angles; still these two people regarded one another as countrymen, and the seven kingdoms of the Saxon Heptarchy formed to some intents but one single political body. The kings whom the Saxons acknowledged as their leaders in war had but very limited authority in peace, and the assembly of the elders or wise men of each kingdom, the Witena-gemote, was consulted on all important measures. On extraordinary occasions one of the seven kings was acknowledged as Bretwalda, or chief of the Heptarchy.

Kent was the first of the kingdoms of this Heptarchy,† and continued nearly 400 years in the succession of seven-

* Lappenberg in his "England under the Anglo-Saxons" (Thorpe's translation), considers that Hengist arrived in Britain earlier than the date usually given.

† When all the kingdoms were settled in 586, they formed an Octarchy.

teen kings; and no other single county appears to have had its own king for any great length of time.

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The Anglo-Saxon Chronicle thus records the events referred to in this chapter, which I have taken from Dr. Giles's translation :—

"A. 409.—This year the Goths took the city of Rome by storm, and after this the Romans never ruled in Britain; and this was about eleven hundred and ten years after it had been built. Altogether they ruled in Britain four hundred and seventy years since Caius Julius first sought the land.

"A. 418.—This year the Romans collected all the treasures that were in Britain, and some they hid in the earth, so that no one has since been able to find them; and some they carried with them into Gaul.

"A. 443.—This year the Britons sent over sea to Rome, and begged for help against the Picts; but they had none, because they were themselves warring against Attila, king of the Huns. And then they sent to the Angles, and entreated the like of the ethelings of the Angles.

"A. 449.—This year Martianus and Valentinus succeeded to the empire, and reigned seven years. And in their days Hengist and Horsa, invited by Vortigern, king of the Britons, landed in Britain on the shore which is called Wippedsfleet; at first in aid of the Britons, but afterwards they fought against them. King Vortigern gave them land in the south-east of this country, on condition that they should fight against the Picts. Then they fought against the Picts, and had the victory wheresoever they came. They then sent to the Angles, desired a larger force to be sent, and caused them to be told the worthlessness of the Britons and the excellencies of the land. Then they soon sent thither a large force in aid of the others. At that time there came men from three tribes in Germany; from the Old-Saxons, from the Angles, from the Jutes. From the Jutes came the Kentish men and the Wightwarians, that is, the tribe which now dwells in Wight, and that race among the West Saxons which is still called the race of Jutes. From the Old-Saxons came the men of Essex, and Sussex, and Wessex. From Anglia, which has ever since remained waste betwixt the Jutes and Saxons, came the men of East Anglia, Middle Anglia, Mercia, and all North-humbria. Their leaders were two brothers, Hengist and Horsa: they were the sons of Wihtgils; Wihtgils, son of Witta; Witta, of Wecta; Wecta, of Woden. From this Woden sprang all our royal families, and those of the South-humbrins also.

"A. 455.—This year Hengist and Horsa fought against King Vortigern at the place which is called *Ægels-threp* [Aylesford], and his brother Horsa was there slain, and after that Hengist obtained the kingdom, and *Æsc*, his son.

"A. 456.—This year Hengist and *Æsc* slew four troops of Britons with the edge of the sword, in the place which is named *Creccanford* [Crayford].

"A. 457.—This year Hengist and *Æsc* his son fought against the Britons at the place which is called *Creccanford* [Crayford] and there slew four thousand men; and the Britons then forsook Kent, and in great terror fled to London.

CHAP. V.

Bede, 310.

"A. 465.—This year Hengist and Æsc fought against the Welsh* near Wippidasfleet [Ebbsfleet], and there slew twelve Welsh Earldormen, and one of their own Thanes was slain there, whose name was Ebipped.

"A. 473.—This year Hengist and Æsc fought against the Welsh and took spoils innumerable; and the Welsh fled from the Angles like fire.

Vol. i. p. 1.

This chapter may be summed up in the following terse but truthful sentences at the commencement of Kemble's "Saxons in England." He says: "Eleven centuries ago an industrious and conscientious historian, desiring to give a record of the establishment of his forefathers in this island, could find no fuller or better account than this: 'About the year of grace 445-446 the British inhabitants of England, deserted by the Roman masters who had enervated while they protected them, and exposed to the ravages of Picts and Scots from the extreme and barbarous portions of the island, called in the assistance of heathen Saxons from the continent of Europe. The strangers faithfully performed their task, and chastised the northern invaders; then, in scorn of the weakness of their employers, subjected them in turn to the yoke; and, after various vicissitudes of fortune, established their own power upon the ruins of Roman and British civilization.'

"Such was the tale of the victorious Saxons in the eighth century: at a later period the vanquished Britons found a melancholy satisfaction in adding details which might brand the career of their conquerors with the stain of disloyalty. According to these hostile authorities, treachery and fraud prepared and consolidated the Saxon triumph."

* Britons and Welsh are merely general terms applied by the Saxon to the Romanised population of the island.

CHAPTER VI.

ANGLO-SAXON HISTORY:—THE CITY OF ANDERIDA, OR
ANDREDES-CEASTER.

NOTWITHSTANDING the doubts that have been raised respecting the origin of the Anglo-Saxon rule in Britain, I shall, like the old writers, treat Hengist* as the first king of Kent, his full establishment in our county commencing about seven years after his arrival in England. During this interval his time had been occupied with conflicts with the Picts and Irish, his alliance with the Britons, his subsequent hostilities against them, and his final erection of Kent into a kingdom which he transmitted to his posterity. Nennius, Gildas, and Bede state that Hengist, before he became King of Kent, was thrice defeated, and even driven for a time from our island. Discord between the native chieftains continued; and Hengist, "whose name had been surrounded with terror, and all his steps with victory," appears to have maintained his kingdom with comparative ease during the remainder of his life, some reason for which I hope hereafter to be able to give.

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Turner's Hist.
of Anglo-Sax-
ons, 4th Ed.,
vol. i., p. 249.

Hengist was succeeded by his son Æsc, who reigned over Kent twenty-four years, and during this interval the principal Roman towns of Kent seem to have passed into the possession of the Saxons. They must have possessed themselves of Rutupia (Richborough) at a very early period. Durovernum they made their capital, which received the name of Cantwara-byrig (the City of the Kentish Men), now Canterbury. Dubræ and Regulbium (Dover and Reculver) retained their original names slightly changed, and

A.D. 488.

*A learned modern writer (Dean Stanley) describes the landing of Hengist and Horsa "which gave us our English forefathers" as one of the five great landings in English History.—*History of Canterbury*. p. 1.

CHAP. VI. Durobrivis was called, it is said, from a chief who ruled
 Wright, p. 397. over it, Hrofesceaster; that is, the ceaster [corrupted from
castrum] or city of Hrof; now Rochester.

Imperfect and vague as is our early Anglo-Saxon history
 in relation to Kent, it is more so when we refer to Sussex.

A.D. 477. Ælla was the next Saxon chieftain who, twenty-eight
 years after the first arrival of Hengist, invaded Britain with
 his three sons, Cymen, Wlencing, and Cissa. They landed
 on our southern coast in a place called Cymenes-Ora (sup-
 posed to be Chichester Harbour), and we are told that,
 like Hengist and Horsa, they came in three ships, and
 Saxon Chron. "there slew many Welsh, and some they drove in flight
 into the wood that is named Andredslea." Their landing
 must thus have been opposed, probably by the petty sovereign
 in the district. By slow degrees they appear to have
 enlarged their conquest on the coast, the Britons retreat-

A.D. 485. ing towards the south-eastern part of the island. The
 Chronicle then informs us that this year (485) "Ælla
 fought against the Welsh near the bank of Mearcraðs-
 burn." Horsfield, in his History of Sussex, (quoting
 Hayley's MSS., Brit. Mus.), says, "It is easier to expound
 the name than to point out the place, and wherever it was,
 it was at some little stream that had its denomination
 from one Mercreade." He tells us that it was a most
 bloody and desperate encounter, and that the victory was
 doubtful. Turner says a dubious but wasteful battle on
 the river Mercread checked their progress. Six years
 appear to have passed without any further struggle, and
 the engagement I am about to narrate contains the only
 reference to Sussex which we find recorded, until the arri-
 val of St. Augustine, forming an hiatus of more than a
 century; but writers ancient and modern are almost
 equally divided as to whether the battle really took place in
 Sussex or in Kent.

The destruc-
 tion of An-
 dredscester.
 MSS.,
 Brit. Mus.
 Hayley says: "There was a strong and well fortified
 place situate in the neighbourhood of these parts in which
 providence had cast the lot of Ælla's future conquests;
 and which being in the hands of the British must needs

prove a check to his progress and curb his motions. It was therefore necessary for him as soon as possible to reduce this stronghold into his power."

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Hayley does not attempt here to explain where the stronghold was; for his phrase "the neighbourhood of these parts," would apply to either Kent or Sussex. As closely connected with our history, I propose first to give the reader the different narratives of the engagement, and then to refer to the long pending and still existing controversy, as to the site of the ancient city or station where the engagement actually took place.

The Saxon Chronicle states: "This year (491) *Ælla* and *Cissa* besieged a town called *Andredscester*, and slew all that dwelt therein, so that not a single Briton was there left." A.D. 491.

In *Ethelwerd's Chronicle* we find, A.D. 492 (one year later*): "After three years *Ælla* and *Cissa* besieged a town called *Andredscester*, and slew all the inhabitants both small and great, leaving not a single soul alive."

Now three sons accompanied *Ælla* to our shores, but we only read here of *Cissa*, and no mention is hereafter made of the other sons, who probably had either returned home or fallen in battle; and the destruction of the inhabitants is mentioned, but not that of the city.

The following more detailed account of the destruction of *Andredscester* is given by *Henry of Huntingdon* :—

"The kingdom of *Sussex*, which *Ælla* founded, he long and valiantly maintained. In the third year after the death of *Hengist*, in the time of *Anastasius*, Emperor of *Rome*, who reigned twenty-seven years, *Ælla* was joined by auxiliaries from his own country, with whose assistance he laid siege to *Andredscester*, a strongly fortified town.† The Britons swarmed together like wasps, assailing the besiegers by daily ambuscades and nocturnal sallies. There was neither day nor night in which some new alarm did not harass the minds of the Saxons; but the more they

Bohn's Ed.,
p. 45.

* Our early writers were very careless about chronology, and it is not at all uncommon to find a difference of several years in various MSS. of the same author.

† *Saxon Chronicle*. "Pevensey Castle is supposed to stand on the site of *Andredscester*, though some antiquaries place it elsewhere on the coast of *Sussex*. Its name, and the subsequent details of *Henry of Huntingdon*, shew that it stood on the verge of the great wood."—*Dr. Giles' Note*, p. 45.

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were provoked, the more vigorously they pressed the siege. Whenever they advanced to the assault of the town, the Britons from without falling on their rear with their archers and slingers drew the Pagans away from the walls to resist their own attack, which the Britons, lighter of foot, avoided by taking refuge in the woods; and when they turned again to assault the town, again the Britons hung on their rear. The Saxons were for some time harassed by these manœuvres, till, having lost a great number of men, they divided their army into two bodies, one of which carried on the siege, while the other repelled the attacks from without. After this the Britons were so reduced by continual famine that they were unable any longer to withstand the force of the besiegers, so that they all fell by the edge of the sword, with their women and children, not one escaping alive. The foreigners were so enraged at the loss they had sustained, that they totally destroyed the city, and it was never afterwards rebuilt, so that its desolate site is all that is now pointed out to travellers."

Gibbon p. 393.

Though some of the historians who flourished anterior to the Norman conquest record the cruelty practised on the inhabitants, none of them, except Henry of Huntingdon, mention the destruction of the city. Gibbon, adopting his statement, says the last of the Britons, without reference to age or sex, were massacred in the ruins of Anderida.

Now here we have the first general reference to the great forest in the time of the Saxons, but the precise site of its city, or andreds-cester, has for many years exercised the ingenuity and conjecture of antiquaries, and occasioned almost as much controversy as the spot on which Cæsar landed, and perhaps not with a more conclusive result. There is nothing very singular in this, as there has been as much contention about other Roman stations. The ruined city is placed by Camden at Newenden in Kent, by Somner at Pevensy, by Gibbon at Hastings, by Baxter at Chichester, by Dr. Tabor under the Downs at Eastbourne, by Mr. Elliott and Mr. Verrall at Seaford, and by Mr. Hayley at Newhaven. I have named these writers in the order in which they have been placed by Horsfield in his History of Sussex.

Horsfield's
Sussex, vol i.,
p. 49 (1835).

Lambarde, when speaking of Newenden, quaintly begins—

Lambarde, 207.

"The situation is such that it may likely enough take the name either of the deep and bottom (a low or deep valley as I have conjectured), or of the hill and high ground as Leland supposed; for it standeth in the

valley and yet climbeth the hill, so that the termination of the name may be dene or dune, of the valley or the hill, indifferently."

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"It is a frontier and marshy town of this shire, by reason that it lieth upon the river that divideth Kent and Sussex in sunder there; which water Leland affirmeth to be the same that our ancient chronicles call Lymene, though now of the common sort it is known by the name of Rother only. It riseth (saith he) at Argashill in Sussex, near to Water-down Forest, and falleth to Rotherfield, thence to Hichingham, and so to Robertsbridge (corruptly so termed for Rotherbridge), from whence it descendeth to Bodyam Castle, to Newenden, Oxney, and Apultree, and soon after slippeth into the sea."

Shortly afterwards, in describing the Weald, Lambarde says—

"At the edge of this wood (in Sussex) at or near Newenden, as it is thought, there stood sometime a city called (after the same) Andredechester, which Ella (the founder of the South Saxon kingdom), after that he had landed with his three sons, and chased the Britons into the wood, rased, and made equal with the ground."

Philipott, writing nearly a century after Lambarde, tells us that—

"Newenden, in the hundred of Selbrittenen, was erected in the place where the old Roman city Anderida was situated, and was called by the Britons *Caer Andred*, very aptly by Leland styled in Latin, *Noviodunum*, from the Saxon *Nywandum*, in English by corruption called Newenden, which in the original imports as much as the new hill in the valley."

"This was that station and city of the Romans mentioned in the banner of the count, or lord warden of the Saxon shore, by Pancerollus, in this book called *Notitia Provinciarum*, under the name of Anderida, and sometimes written *Anderidos*; and here was the castle which the Saxons called *Andreds Ceaster*; and the great wood, which stretched out in length from hence into Hampshire, 80 miles, was named *Andred's-wald*, and by the Britons *Coid Andred*. Other reasons are laid down for the identity of the place, extracted from the name which the English Saxons gave it, who termed it *Brittenden*, that is, the Britons Vale, from whence the whole hundred adjoining is called *Selbrittenen*, that is the Britons' Woody Vale."

"Here, for defence of the coast against the irruptions of Saxon rovers, the Romans placed the *Præpositus numeri Abulcorum*; and hither the river of Lymen, long since called Rother, was sufficiently navigable. But soon after the Romans deserted Britain it shrunk into decay, being ruined by the English Saxons; and yet a mark of the loss is covertly couched under the name of the principal manor called *Losenham*."

Among the latest of our modern writers on this long controverted subject are Mr. Holloway, Mr. Hussey, Mr. Sandys, and Mr. Lewin, who have all treated the subject with great learning and ability. Mr. Holloway, having

CHAP. VI.
Hist. of Romney Marsh,
p. 32.

given the evidence for and against Newenden being the site of the long-sought city, endeavours to establish the following seven propositions in its favour :—

“1st. What was the real nature of the place generally called the city of Anderida?”

“2nd. That there was a city of the nature above described.

“3rd. That there was a fort.

“4th. That there was a port.

“5th. That it was situated on the southern sea-coast of England.

“6th. That it was on the borders of, or in, the forest of Anderida.

“7th. That Newenden possesses all these requisites, and that no other place, named as the site of the ancient Anderida, does possess them.”

p. 108.

Next in order, I will refer to the arguments of the Rev. Arthur Hussey, in his “Notes to Kent.”

“The credit of representing the lost Anderida has been conjecturally assigned to eight different spots; but the pretensions of two only of those eight appear sufficiently important to deserve notice here; those two are Newenden, and Pevensey in Sussex.

“In the former parish there certainly are vestiges of old fortifications, but no traces of any, beyond simple earthworks, are to be discovered; and although I am persuaded that the very scanty remains now alone visible are but a small portion of the original fortress, according to the description (in Harris’s Hist. of Kent, 215*), of its condition at the end of the seventeenth century, the obliterated part must also have been of earth, since to such only will Harris’s account apply; and if masonry had been removed, fragments would still have been perceptible in the soil; whereas there is not the smallest sign to betoken the presence of masonry, whether Roman or of any other period, at or near the place.

“Another, as I conceive, very strong objection to this spot as the site of Anderida, lies in its situation; it being the extreme point of a tongue of upland, with a valley and a stream on either side of it. Immediately beyond the ancient fort the two valleys unite, and form a wide expanse of marsh, or meadow land, sound indeed, but intersected throughout by ditches, and still liable (at least was so within twenty years) to be occasionally overflowed during high floods. The ‘Castle Toll’ stands at the edge of the smaller valley, which at that place is rather narrower, at least on that side of its stream, than it is higher up; but even there the stream, which is too insignificant to be styled a river, and the marsh ditches totally prevent any communication with the upland beyond, to the north, in the parish of Rolvenden. And though the present condition of the locality is, of course, utterly unlike what it was during the existence of Anderida, still that circumstance strengthens, rather than invalidates, my argument; because we may safely assume as a fact, that,

* Harris says we have very good reason to believe that the sea did once flow up to Newenden, and he cannot but think, with Dr. Plott, Camden, Selden, and Lambarde, that the ancient Anderida is to be placed there.

at the early period referred to, what is now on all sides grazing land, was a mere morass, impracticable to a disciplined army, so that the only egress from the fort would have been westward along the tongue of high ground already mentioned. Now surely it does not require a military education or military experience to see, that a position such as that just described is about the very last to be selected by such masters in the art of war as the Romans; neither will any advocate of Newenden, it may be presumed, contend that the Romans would be contented with ramparts of earth alone, which those at Newenden were, for one of their important and permanent stations, although they might be satisfied with such defences for their temporary camps. Camden's assertion (Gibson's edition, 258) that Anderida lay waste after its devastation by the Saxons, till Sir Tho. Albuger erected a monastery there temp. K. Edward I. implies, that the latter establishment stood on or very near the site of the ancient city; whereas the priory stood near Losenham House, little, if any, less than a mile from the 'Castle Toll'; whence arises a strong suspicion that Camden wrote without having personally inspected the place. It may be added farther, that about Losenham House, indeed anywhere in the parish of Newenden, beside the spot above mentioned, there is no appearance of military works."

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In support of his argument in favour of Pevensey, Mr. Hussey states—

"Here are stone walls undoubtedly of Roman construction still standing, in a remarkably perfect state, round the greater portion of the original circumference, and enclosing a space which seems too extensive for merely a simple solitary fortress, though not more than would be required for the security of the inhabitants if a large settlement, in fact a town, was established under its protection. A plausible objection indeed has been offered, that the area within the walls of Pevensey is not sufficient to have contained the number of people who, according to Henry of Huntingdon's description, assembled there during the siege of the Saxons. That chronicler says that "the Britons collected as thick as bees," but since he does not assert that they all clustered within the walls, while he does mention such vigorous and repeated assaults upon the rear of the besiegers as necessarily inferred a very strong native force on the outside, it is not straining Huntingdon's language to consider that the words just quoted comprehend *the two parties* of Britons, namely, those without the walls, as well as those within. Another sentence of the chronicler also demands a few observations:—"Because the strangers [Saxons] had suffered such losses there, they so utterly destroyed the city that it was never afterwards rebuilt." Now at first sight these expressions may be supposed to declare that the entire city was levelled with the ground; whereas, in fact, they possess no such exclusive meaning. It may be granted that the Saxons absolutely annihilated the population, so that if any individuals did escape the slaughter they never re-occupied their former abode. But, admitting this circumstance, and that the Saxons succeeded in so far overthrowing the ramparts of Andrede-ceaster so as to obtain complete possession of the place; we

p. 114.

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have here, without requiring anything farther, a sufficient exemplification of the above account ; for the victors, after unrestrictedly glutting their vengeance upon the surviving inhabitants, as we are expressly assured they did, sparing no age nor sex, and consuming all the dwellings within the defences, were not very likely to undertake the *needless* and, to them, most difficult, laborious, and tedious operation of demolishing the remaining walls.

"An additional probability—in this discussion we can hope to produce nothing farther—in favour of Pevensey may be found in the fact, that that part of our island was certainly more frequented by the Romans than the district around Newenden ; and that Roman relics have been recognised in the immediate vicinity."

p. 136.

Mr. Sandys, after referring to the arguments of Mr. Holloway and Mr. Hussey, submits that this long-contested problem can only be satisfactorily solved by assuming that the Roman and British *Andredes-cester* were *not* one and the same city. His theory is, that the vast forest which extended from Kent through Sussex into Hampshire, probably gave its name to these and many other towns and stations ; and he arrives at the conclusion that the site of the ROMAN station and city of Anderida was at PEVENSEY, and that the site of the BRITISH city of Anderida was at NEWENDEN, both being within or on the confines of the great forest.

Mr. Hussey recommended excavations at Pevensey to be carefully and judiciously conducted ; and a writer in the *Edinburgh Review* (1851) tells us that it is under the surface of the ground that we have now to look for the only records which will ever throw further light on the condition of this country during the first six centuries of the Christian era.

Acting possibly on these suggestions, Mr. Charles Roach Smith (to whom the archaeologists of Kent are so much indebted) in the year 1852 superintended, with Mr. Lower, various excavations at Pevensey ; and subsequently reported thereon to the subscribers. He very candidly admits he had not accomplished much, and that the result of his labours did not include any very striking discovery. He does not, I think, refer to Newenden, but merely observes that after a personal examination

Printed in
1868.

of the castrum he feels satisfied "that Pevensey must be the site of the Roman Anderida, and that no other place can be rationally established in its stead."

CHAP. VI.

The last writer I have to deal with is Mr. Lewin, who, in his paper already alluded to, on the Castra of Littus Saxonicum, communicated to the Society of Antiquaries, and published in the year 1868, tells us that the general, if not the universal voice is now in favour of Pevensey; and as his etymology of Anderida differs from that of the earlier writers, I will give it. He says—

"The castrum of Anderida took its name from the Great Forest, which, on the land side, pressed upon it on the north, east, and west. The etymology must be sought for in the Celtic language, in which Anderida signifies the Black Forest. Thus (to resolve the word into its elements) *an* is "the," *deru* "oak forest," and *dy* is "black," signifying "the Black Forest,"—an appropriate name for the vast forest, the counterpart in England of the Black Forest in Germany."

p. 17., vol. 41.
Archæologia.

But I must bring my notice of this long-pending controversy to a close by confessing, after weighing well what has been so ably written *pro* and *con.*, that I arrive, though with some hesitation, at the same conclusion as the late Mr. Sandys, namely, that the Roman and the British Anderida were *not* one and the same city, but that the British city was at Newenden, and the Roman station at Pevensey. It should be kept in view that the total demolition of a rude British city was a very different affair from the destruction of a Roman station. Hence the difficulty of obtaining any further evidence at Newenden. It should also be remembered that Kent, Sussex, and Surrey abound in places possessing the same names.

CHAPTER VII.

ANGLO-SAXON HISTORY CONTINUED—ÆSC TO ETHELBERT—
THE FOREST—THE MARK.—THE OWNER.

CHAP. VII.
A. D. 488 to 586.

KENT was successively governed by Æsc*, Octa, and Ermenric, all lineal descendants of Hengist. We find Ethelbert (the son of Ermenric) first sharing the kingdom with his father, and at last succeeding to the throne in 565.

During this interval Ella founded the South Saxon kingdom (now Sussex); and Cerdic, with his son Cynric, (tempted by the successes which had attended the previous invasions of their countrymen) landed on the coast of Hampshire, where, after many desperate engagements, they established the kingdom of Wessex, or the West Saxons, being the third Saxon kingdom. Five other kingdoms (completing an Anglo-Saxon Octarchy) were formed at different intervals of time, including a period of about 140 years.

Before I proceed further, I propose to direct the attention of the reader more particularly to the forest itself.

Those who have not closely studied the subject will be astonished to learn how vast were the forests and woods of England at this period of our history, extending in some instances over nearly the whole of a county.†

* All the authorities agree that Hengist died in 488. The Saxon Chronicle says his son Æsc was "King of the Kentish men twenty-four years," but Henry of Huntingdon says he reigned thirty-four years. The dates prior to the landing of St. Augustine should only be regarded as approximative.

† John of Tynemouth relates that in the early periods of Saxon dominion the whole country between Tyne and Tees was one vast forest, inhabited by wild beasts.

I am indebted to Mr. Charles H. Pearson's valuable work, just published, "on the Historical Maps of England during the first thirteen centuries," for the following remarks:—

CHAP. VII.

"A large part of England was undoubtedly covered in early times with woods dense enough to make the passage of troops dangerous, and to serve as a natural boundary between different tribes. In the glades and coverts of these, but especially in the sunny denes of Kent, numerous herds found pasturage, or swine fattened on the mast of the oaks * * To men only just acquainted with the use of metals, wood was necessary in every way for timber, fuel, weapons, and tools; and the woods were thus a condition of subsistence, as well as of independence to every community. With the coming of the Romans, a new order was introduced. The conquerors carried their arms at first only over the open country; and the great military roads marked on the Itinerary of Antonine always, if possible, avoid traversing a forest. The road to Chichester went by Southampton, that it might avoid the Andreds-weald of Sussex. * * But as Roman rule struck root in the island, the occupation told in several ways on the woods. Here and there it was unavoidable that military roads should be opened through them."

P. 4.

Of these numerous forests, the Andred was reputed to be the largest. From vegetative agencies perpetually going on, the forest must have been always extending itself; and, Nature triumphing in all her unmolested but dreary and barbarous majesty, it would continue to do so, until checked by human enterprise.

From this circumstance its exact extent and precise boundary could never have been ascertained and clearly defined. It shall be my endeavour to throw some light on the subject as far at least as the Kentish portion is concerned; and also to explain the tenure under which it was originally held, and the changes which subsequently took place. We know that it was a forest, and an immense one; but the first question which arises is, was it a Forest in the legal acceptance of the term?

To endeavour to ascertain this, we may recur to one of our old Kentish worthies, Sir Roger Manwood, Lord Chief Baron of the Exchequer in the time of Queen Elizabeth;

* When I wrote my third chapter I had not seen Mr. Pearson's work; it is therefore a matter of satisfaction to be able to refer to so learned an authority in support of what I ventured to advance at the concluding portion of that chapter.

CHAP. VII.

Manwood on
Forests,
p. 143.

and who in his learned treatise on the Forest Laws says :—

“A Forest is a certain territory of woody grounds and fruitful pastures, privileged for wild beasts and fowls of forest, chase, and warren, to rest and abide there, in the safe protection of the King, for his delight and pleasure; which territory of ground so privileged is meered and bounded with unremovable marks, meers, and boundaries, either known by matter of record or by prescription; and also replenished with wild beasts of venery or chase, and with great coverts of vert, for the succour of the said beasts there to abide.”

Now, I think it has never been contended that the forest of Andred came within this definition. The Weald, apparently, never had “unremoveable marks, meers, and boundaries,” for Lambarde, who was a contemporary of Manwood, tells us that in his day “a man may more reasonably maintain that there is no weald at all, than certainly pronounce where it beginneth or maketh an end.”

Manwood, however, subsequently observes :—

p. 139.

“Before this nation was replenished with inhabitants, there were many great woods full of all sorts of wild beasts then known in England; and after the same came to be inhabited, the woods were, by degrees, destroyed, especially near the houses; and as the land increased in people, so the woods and coverts were daily destroyed, and, by that means, the wild beasts retired to those woods which were left standing, and which were remote from their habitations.

“But there were still, and even in the Saxons' time, many great woods which were not destroyed, and those were called *walds*, that is, forests or woods where wolves and foxes did harbour.” * * *

Again, he says :—

p. 151.

“Though the word *sylva* is often taken and translated for a forest, and so is the word *saltus*, yet neither of them are proper words for a forest, but for a wood. 'Tis true they are taken for a forest, because 'tis a place full of woods; and therefore a good forester is called a good woodward, and was antiently called *saltuarius*, which shews from whence his name is derived, though now he is called *forestarius*.

“But it doth not follow from thence that every wood is a forest, though there are deer and other wild beasts there, unless the place is privileged by the king for the quiet and protection of the wild beasts there.”

Now here I think we have found a good starting point, for among the several names given to the Weald and handed down to us by Somner, are, *Saltus Andred*, *Sylva Andred*, and *Saltus Communis*. And I should have been content

Ports & Forts,
p. 106.

with this definition of "The Weald," had I not found in "The Saxons in England,"* a very interesting chapter entitled "The Mark," which has an evident bearing on my subject. Indeed, from Appendix A to his first volume I am induced to think that Mr. Kemble, the author, classed the forty-four Dens forming a portion of this our "Saltus Communis" as one of the ancient "marks," and which he calls "The Court of Dens." I will therefore briefly furnish the reader with his theory; first observing that the word mark, Anglo-Saxon "mearc," is but little known to us in Kent as connected with the boundary of land. It is, however, common in almost all the languages of Teutonic origin. Hence the term "The Marches," or the country lying about the marks which indicated the limits of two kingdoms, dukedoms, or other extensive jurisdiction; and the noblemen who lived in them were for centuries petty sovereigns.

CHAP. VII.
Vol. I., p. 481.

The Germans found one of their titles of honour on this word, the Mark graf (Markgrave), or Lord of the Marches; and our own Marquis is of the same origin.

When speaking of the Marches in England, we are supposed to refer to those parts of the island which are near the borders of Wales and Scotland.

Mr. Kemble tells us that the Mark was a system which the German conquerors introduced into every state which they founded upon the ruins of the Roman power, and he adds:—

"It is a word less frequent in the Anglo-Saxon than the German muniments, only because the system founded upon what it represents yielded in England earlier than in Germany to extraneous influences. * *

"Let us take into consideration the mark in its restricted and proper sense of a boundary. Its most general characteristic is, that it should not be distributed in arable, but remain in heath, forest, fen, and pasture. In it the markmen had commonable rights; but there could be no private estate in it. Even if under peculiar circumstances any

* It is greatly to be regretted that many of our most gifted authors are so indifferent about indexes to their publications. This work of Mr. Kemble is deprived of much of its value from the fact that it does not contain any index.

CHAP. VII.

markman obtained a right to essart or clear a portion of the forest, the portion so subjected to the immediate law of property ceased to be mark. It was undoubtedly under the protection of the gods; and it is probable that within its woods were those sacred shades especially consecrated to the habitation and service of the deity.

"If the nature of an early Teutonic settlement which has nothing in common with a city be duly considered, there will appear an obvious necessity for the existence of a mark, and for its being maintained inviolate. Every community not sheltered by walls, or the still firmer defences of public law, must have one, to separate it from neighbours and protect it from rivals; it is like the outer pulp that surrounds and defends the kernel. No matter how small or how large the community—it may be only a village, even a single household, or a whole state—it will still have a mark, a space or boundary by which its own rights of jurisdiction are limited, and the encroachments of others are kept off. * *

"The Court of the Markmen, as it may be justly called, must have had supreme jurisdiction, at first, over all the causes which could in any way affect the interests of the whole body or the individuals composing it: and suit and service to such court was not less the duty than the high privilege of the free settlers. On the continent of Germany the divisions of the marks and the extent of their jurisdiction can be ascertained with considerable precision; from these it may be inferred that in very many cases the later courts of the great landowners had been in fact at first markcourts, in which, even long after the downfall of the primæval freedom, the lord himself had been only the first markman, the patron or defender of the simple freemen, either by inheritance or their election. In this country, the want of materials precludes the attainment of similar certainty, but there can be no reason to doubt that the same process took place, and that originally markcourts existed among ourselves with the same objects and powers."

The offsets of German migrations, we know, reached the Kentish shores long before the Saxons occupied Britain; and were noticed by Cæsar. Had they then become so firmly settled in this part of the island as to have adopted "the mark" in Kent? If it was not done by them, it is not probable that such a division of territory was adopted by the Romans. Did then the Jutes introduce it when they became the permanent possessors of Kent? If they did we have no evidence of it. Almost entirely surrounded by the sea and the impenetrable forest, what necessity existed for any other mark in this part of Britain?

It is somewhat singular that the late Mr. Sharon Turner, in his *Anglo-Saxon History*, which has gone through four editions at least, nowhere, so far as I am able to discover,

refers to "The Mark." He pursues a more beaten track, and tells us :—

CHAP. VII.

"When the Anglo-Saxons established themselves in Britain, a complete revolution in the possession of landed property must have taken place, so far as it concerned the persons of the proprietors. They succeeded by the sword. All the chieftains of the Octarchy had many years of warfare to wage before they could extort the occupation of the country. In such fierce assaults, and such desperate resistance, the largest part of the proprietary body of Britons must have perished.

Vol. II., p. 529.
4th Edition.

"What system of tenures the Anglo-Saxon conquerors established will be best known from the language of their grants. Some antiquaries have promulged very inaccurate ideas on the subject; and we can only hope to escape error by consulting the documents and studying the legal phrases of the Anglo-Saxon period."

The documents, however, which Mr. Turner refers to are long posterior to the period that Mr. Kemble alludes to as "The Mark" age. We can now only be guided by the different divisions of the county, its cultivation, the changing population from time to time inhabiting this portion of our island, and the long continuance of this district as a forest; and in so doing we can trace some resemblance to a system which Mr. Kemble has so learnedly described. Still, it is very faint.

Mr. Sandys has rejected Mr. Kemble's territorial division of "The Mark" "as fanciful and purely imaginative." But though I differ from Mr. Kemble, I cannot venture to give his theory so positive a denial. Here we will leave the subject for the present.

Cons. Kan., 95.

The Saxons called our forest Andred, Andredsberg, Andredesleaz, and Andreds-wald, which latter syllable Somner tells us in his day was "the only one left surviving in the place's present name, *the Weald*."

Somn. P. & F.
106.

Lambarde writing somewhat earlier, defines it thus :— "The Weald, so named of the Saxon word Weald, which signifieth a woody country;" and afterwards, when speaking of Woldham in Kent, he makes this distinction :— "Wold, a fair down or hill without bush or wood, opposite to weald, which is a low woody region;" of the same reason those large champaigns, Yorkswold and Cotswold, he tells us, took their appellation.

CHAP. VII.
 Spel. Gloss.,
 567.

Spelman, who, like Somner, wrote in the seventeenth century, defines the "Weald of Kent" thus: "The wooded part of Kent; for weald in Saxon is wood, or rather in this place, wilderness."

p. 346.

Harris says that in his day it was most commonly called "The Wild of Kent;" but he, as well as Hasted, adopts the definitions of the previous writers; Harris, quoting Camden, says that in an old Glossary the Alps are called the Wolds of Italy, confirming Lambarde's distinction between weald and wold. And he proceeds, "Because great woods and forests have been often receptacles for robbers, such persons the Saxons called Weald-genga, if they robbed in troops or companies; and from Walda came the old barbarous Latin word Gulda, for a wood or grave."

Some modern writers (as the Rev. Dr. Bosworth and Mr. Charles H. Pearson) make no distinction between weald and wold. The former in his Dictionary defines the word "weald," a forest, wood, grove, weald, wild *wold*; while Mr. Pearson has communicated to me his opinion that *weald* and *wold* appear to be *provincial* forms of the same word, and in some counties *both* are used, but that in the counties where "wold" is used the woods resemble large open downs. In Kent and the adjoining counties we are certainly accustomed to Lambarde's distinction, which I can but conclude is the proper one.

Bohn's Ed.,
 360.

Thus much as to the name of our forest, and the origin of that name. Next, as to its extent and boundary. The Saxon Chronicle tells us that the wood extended from east to west 120 miles or longer, that it was thirty miles broad, and that the Limen (Rother) flowed out of it. Now, if this description is to be relied on—and it has never been questioned—the forest, commencing in Kent and touching the borders of Surrey, must have passed through Sussex (a length of sixty-five miles) into Hampshire.

The Owner.

We will for the present content ourselves with this general but imperfect boundary, and proceed to discover an owner for it; and here we have not to rely solely on

tradition and our early historians ; for I shall be enabled to show, from some of the first Saxon documents now extant, that the ruling power for the time, exercised indisputable acts of ownership over it ; and that this, in common with all the forests, woods, and desert tracts in England, was considered as belonging to the Crown. Somner also tells us that the whole Weald appertained to none but the king, acknowledged no private lord or proprietor, and was thence called Sylva Regalis.

CHAP. VII.
---Ports & Forts,
p. 107.

The heathen priesthood appear to have possessed considerable control over the forests and woods which were held so sacred ; and as paganism gradually disappeared, we find the Saxon kings becoming the inheritors of this power. It was a recognized law of the Saxons that their kings alone could create a forest for chase and royal recreation ; and the use of such of them as they had no desire to retain for their own amusement we shall shortly see granted out to the new Christian church and other favourites and dependants.

Kemble's Pref.
to the Codex.

Of the remaining forests in Kent, "The Blean," to the north-west of Canterbury, was next in importance. It now forms the largest district of woodland in Kent ; but as I shall have occasion again to speak of it, I will only here remark that it is no wild stretch of the imagination to suppose that the Blean and the Andred at one long distant period were parts of the same forest which extended through the whole of the centre of Kent, as it did through the whole of Sussex. For as the Blean, with its northern boundary near the sea shore at Herne and Whitstable, still traverses the west of Canterbury, through parts of Harbledown, Thanington, Chartham, and Selling, so it is not unreasonable to suppose that it formerly extended over the rising ground now comprised in the parks and domains of Chilham, Godmersham, Eastwell, Godinton, Hothfield, Calehill, and Surrenden-Dering, and became at last united with the present but more circumscribed boundary of the Andred.

If I am right in this theory, then the clearing of the

CHAP. VII.

wood in the vicinity of Canterbury was effected by the Belgæ when they commenced bringing the soil adjacent to our coast into cultivation; and this grubbing and severance between the Blean and the Andred was increased during the Roman occupation of Kent, especially by the completion of the renowned Watling Street Road, from the coast through Canterbury to London; for the clearing of woods and good tillage have ever gone hand in hand with the construction of good roads.

We shall find the Blean and the Andred treated as separate woods in 791. Over the Blean and the remaining woods in the county the sovereign for the time being exercised supreme control, and they were often called "The King's woods."

CHAPTER VIII.

ANGLO-SAXON HISTORY CONTINUED.—ETHELBERT
TO EGBERT.

ETHELBERT, the successor of Ermenric, became King of Kent in 565. His reign commenced most inauspiciously with a civil war. He attacked the King of the West Saxons, in Surrey, and was defeated. He had next to defend his own kingdom, and experienced some difficulty in preserving it. Danger and adversity made him wiser. Of his marriage to Bertha and of the conversion of the Anglo-Saxons, I shall speak shortly. He reigned fifty-six years, and was succeeded by his son Edbald, who reigned twenty-five years. Passing over six other Kings of Kent, Erconbert, Egbert, Lothere, Edric, Withred and Swabert (who for a time jointly held the kingdom), and Ethelbert II., (who appears to have held Kent with Sigeward), we find Offa, King of Mercia, in the succeeding reign of Alric invading Kent and vanquishing him after a desperate engagement at Otford;* and Offa would in all probability have united Kent with Mercia, had he not been deterred by an invasion of his own kingdom by the Welsh. With Alric ended the right line of the Saxon Kings of Kent of the race of Hengist. Edbert or Pren then seized on the throne, and in this reign Cenulph or Kenulph (another King of Mercia) ravaged Kent and the province which is called

CHAP. VIII.

A. 565 to 823.

Ang. Sax. Ch.,
p. 313.

A. 774.

A. 796.

* "This year (A.D. 773), a fiery crucifix appeared in the heavens after sunset: and the same year the Mercians and Kentish men fought at Otford, and wondrous adders were seen in the land of the south Saxons."—*Anglo-Sax. Chron.*, p. 339.

CHAP. VIII. Merscwari (supposed to be Romney Marsh) and having
 Ethelwerd, defeated Edbert, he carried him into Mercia, where he let
 p. 19. his eyes be picked out and his hands cut off. Cenulph
 Ang. Sax. Ch., placed Cudred on the throne, who was succeeded by
 p. 343. Baldred, and he was driven out of his kingdom by the
 victorious Egbert, King of the West Saxons.

A. 823. Thus Kent, after having been ruled over by a sole
 monarch about 375 years, ceased to be a distinct kingdom.*

Let us here pause and hastily review a few of the great
 changes and events which took place during the three
 centuries comprised in these reigns, for "it is now," says
 Vol. I., p. 6. Macaulay, "that our darkness begins to break, and the
 country, which had been lost to view as Britain, reappears
 as England."

Anglo-Saxon Paganism. After reading the closing page of the fourth chapter of
 this work, the reader will be surprised to learn, that
 when St. Augustine landed and raised the standard
 of the Cross in Kent, he found the Christian religion ex-
 tinct, and the nation a second time reduced to paganism.
 This period of our history is as "dark as it is horrible."
 The blood of the Briton was freely mingled with that of
 the Saxon, but warfare was carried on with such ferocity,
 first in exterminating the Britons from Kent, and after-
 wards in quelling internal feuds, that at the end of 150
 years the seeds of eternal life sown with the blood of
 martyrs had perished.

When the Saxons became firmly settled in Kent, they
 established their own religious institutions. Roman
 paganism was laid aside, and their own polytheism and
 idolatry everywhere substituted. Strange to say, that
 while the sun, the moon, and the days of the week, re-
 mained objects of worship in Kent, the German conquerors
 of the Roman Empire were introducing Christianity in the

* In recording briefly these successive occupations of the Kentish throne, I have followed William of Malmesbury (Bohn's Ed.), who, according to Archbp. Usher, was "the chief of Historians." Leland calls him "an elegant, learned, and faithful Historian;" and Sir Henry Saville is of opinion that he is the only man of his time who has discharged his trust as an historian.—*Dr. Giles's Preface.*

provinces they had vanquished. Here Woden was the chief deity to whom they offered human sacrifices. Their priesthood comprised both sexes. All classes, even the King, believed in magic; for, after the arrival of St. Augustine, Ethelbert preferred receiving him in the open air in the Isle of Thanet, rather than in a house, imagining that magical arts had greater influence under a roof.*

CHAP. VIII.

Bede, 37.

That these barbaric nations of Europe must have sprung from some more civilized states may be collected from many of the traditions which have been preserved; one of them, Mr. Turner says, was, that the earth and heavens were preceded by a state of non-entity. Another, that at a destined period the earth and all the universe would be destroyed by fire. The Being who was to direct it was called Surtur, or the black one. Till that day Loke, their principle of evil, was to remain in the cave and chains of iron to which he was consigned. A new world was to emerge at this period; the good would be happy; the gods would sit in judgment, and the wicked would be condemned to a dreary habitation. The most formidable feature in this religion was its separation from the pure and heavenly virtues of life, and its indissoluble union with war and violence. It condemned the faithless and the perjured, but it represented the Supreme Deity as the father of combats and slaughter, and regarded as his favourite children those who fell in the field of battle. The rapid succession of wars with all their horrors thus became sanctified; and one cannot be surprised at the almost total obliteration of the labours and exertions of the Christian missionaries in our island, who had been murdered by their conquerors, their humble places of worship destroyed, and "in every quarter," to use the language of D'Aubigné, "temples to Thor had risen above the churches in which Jesus Christ had been worshipped."

Turner, Vol. I.
p. 225.

Faiths of the
World, p. 391.

* The Saxons believed that the houses built by other races might be rendered dangerous by means of charms and magic, and wherever they settled they established themselves chiefly in the country, and erected their own dwellings. — *Wright*, 440.

CHAP. VIII.

Remnants of a Christian church were no doubt still extant in different parts of the island, but no reliable information has been handed down to us.

The subsequent desire of Gregory (afterwards Bishop of Rome, styled the Great) to effect the conversion of the English on beholding in the market-place of Rome the noble appearance of some youths (Angles) brought there for sale,* and its accomplishment, are too familiar to my readers to need repetition here. We also know that Ethelbert's marriage with Bertha (a Christian princess of Frank descent) favoured this design. Dean Stanley has graphically described the landing of St. Augustine in the Isle of Thanet with forty monks, in the year 597. Numerous conversions followed, and Ethelbert himself was soon received into the communion of the Church.

p. 12.

Bede, Bohn's
Ed., p. 72.

The Anglo-Saxons having thus submitted to the papal dominion, were anxious that the little remnant of the British Church then existing should do the same. Not, however, having received Christianity from Rome, that church endeavoured to preserve its independence. A conference, it is said, took place between Augustine and the British bishops under an oak, arising out of a controversy respecting the time for the observance of the great festival of Easter, but without any good result. The British Church survived for a time in the mountainous districts of Wales, but gradually diminishing, at length disappeared before the encroachments and fascinations of the church of Rome, backed by pretensions to miraculous powers, and sanctioned, as it contended, by the special interposition of Heaven.

Stanley, p. 39.

From Canterbury, the first English Christian city—from Kent, the first English Christian kingdom, has by degrees arisen the whole constitution of Church and State in England, which now binds together the British empire.

p. 32.

It had been Gregory's intention to fix the primacy in

* This event happened before A.D. 538.—Stanley's *Canterbury*, Note 1, p. 12.

London and York alternately; but the local feelings which grew out of Augustine's landing in Kent were too strong for him, and they have prevailed to this day. St. Augustine's last act at Canterbury was the consecration of Justus as Bishop of Rochester, and Mellitus as Bishop of London. CHAP. VIII.

The first Chronicles, it is supposed, were those of either Kent or Wessex, which seem to have been regularly continued by the Archbishops of Canterbury, or by their direction. The readers of Anglo-Saxon history require to be reminded that we have really no trustworthy record of any great event previous to the arrival of St. Augustine. Bede, 72.

Almost everything which precedes this great epoch is mere tradition, though, no doubt, with a substratum of truth. In the province of Kent the first person on record celebrated for his learning was Tobias, ninth Bishop of Rochester, who succeeded to that see A.D. 698. From this period, therefore, may be dated the advance in Kent of literature, the composition of Chronicles, and other vehicles of instruction necessary for the improvement of a rude people. Sax. Chron.,
p. xxxviii.

Although the Christian religion, as accepted by Ethelbert towards the close of the sixth century, had been taking root in most of the kingdoms then constituting the Octarchy, it did not dawn upon the small and secluded kingdom of the South Saxons for nearly a century afterwards; as late as the year 681 the people of Sussex remained pagans. Their condition became known to Wilfred, Archbishop of York, who, in returning from the Continent, was driven by stress of weather on that coast, and subsequently founded a monastery on the little island of Selsea.* Nothing can more strongly exemplify the im- Cod. Dip.

Sax. Chron.,
p. xxxviii.

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Wright, p. 403.

* The attendants of this bishop, it would appear, first taught the inhabitants of Sussex sea fishing, and rescued them from famine. They only knew how to catch eels in their streams, and the bishop's men, collecting the eel nets, cast them into the sea, and drew to shore three hundred fishes of various sorts, which gained the good will of the people.—*Bede*, 195.

CHAPTER VIII. *PERSONAL CHARACTER OF THE BROTHER KINGS BETWEEN THE TWO ANGLAS.* — *THE PERIOD OF THE HISTORY.* — *AND AS WE PROCEED WE SHALL FIND IT CONFINED TO THE EARLY PERIODS.*

THE EARLY PERIODS, LIKE THE ROMANS, had no more for making wars between such a forest, particularly as when made, they would not be aware even the extent of a journey the various telling the time in either side some several days, the length of an arrow's flight. There was therefore very little of any communication between the men of Kent and the South Saxons, and this may be a sufficient proof. Kent, as in the days of Cæsar, remained the common landing place from the Continent for the part of England.

2. 1. 73. Near the close of the sixth century we find mention made of the Forest, and as it supports what I have already advanced respecting its extent, I will here refer to it. In A.D. 597 Sigbert arrived and took possession of the West Saxon kingdom. He is described by all historians as a man of moderate ability, and he was soon driven from his throne: but by the exertions of his friends he was allowed to retain Hampshire. His great defect, however, remained unchanged, and he murdered a long-time and faithful adherent named Cuthbert, and fled into the wood Ambrovia, called by William of Malmesbury — the recesses of wood beasts. A swineherd of the murdered Cuthbert discovered him in his hiding-place, and recognising him, saw him.

2. 2. All the early writers record this event. William of Malmesbury says Hampshire was the province he was allowed to retain. Henry of Huntingdon tells us he fled into the great wood called Ambrovia. Einhard says he was driven into the woods of Ambro, and so fled from thence to thence until he was at last slain by a herdsman in a place called Pritæstodan, which the Saxons Chronicle calls Pritæstodan (Priten, Hampshire).

A. D. 597, 23.
Al. Evan's
Eton.

Camden also, under the head of Sussex, refers to this event, as well as his contemporary Lambard, who, in his usual quaint style, when speaking of "The World," tells us in his Perambulation —

"In this wood (Andred) Sigbert, a king of Westsex, was done to death by this occasion following. CHAP. VIII.

"About the year after the Incarnation of Christ, 755, this Sigbert succeeded Cuthred his cousin in the kingdom of the Westsaxons, and was so puffed up with the pride of his dominion (mightily enlarged by the prosperous successes of his predecessor) that he governed without fear of God or care of man, making lust his law, and mischief his minister. Whereupon one Cumbra (an Earl and counsellor), at the lamentable suit of the Commons, moved him to consideration. But Sigbert, disdain-
P. 190.
A.D. 755.

ing to be directed, commanded him most despitefully to be slain. Hereat the nobility and commons were so much offended, that, assembling for the purpose, they with one assent deprived him of his crown and dignity, and he (fearing worse) fled into the wood, where, after a season a poor hogherd (sometime servant to Cumbra) found him (in a place which the Saxon histories call *Prifetsfode*) and knowing him to be the same that had slain his master, slew him also without all manner of mercy.

"The history of this hogherd presenteth to my mind an opinion that some men maintain touching this Weald, which is, that it was a great while together in manner nothing else but a desert and waste wilderness, not planted with towns or peopled with men, as the outsides of the shire were, but stored and stuffed with herds of deer and droves of hogs only. Which conceit, though happily it may seem a paradox, yet in mine own fantasy it wanteth not the feet of sound reason to stand upon."

He then proceeds to give his reasons, which I shall have occasion to refer to hereafter; they would be out of place here.

Before, however, I close this little episode, I will recommend the reader to refer to a map of Hampshire, where he will find "Privett," in the Hundred of Fawley, north-west of Petersfield, which must have been near the western confines of the forest.

As to the herds of deer which Lambarde speaks of, we have very little reliable information; but of the droves of hogs with which it was "stored and stuffed," and of the mast by which they were fed, I now propose to speak.

The oak flourishes more luxuriantly throughout this district than in any other part of Kent, and in all ages it has been looked upon as the most important of the trees of the forest. Sacred and profane history (as I have already remarked), long anterior to even druidical worship, and down to the very landing of St. Augustine, alike abound with evidence of the importance attached to

Ezek., vi., 13.
Stanley's
Canterbury,
p. 17.

CHAP. VIII.

Faiths of the
World, p. 554.

Prof. Donovan
on Human
Food,
Vol. ii., p. 122.

Kemb., vol. i.,
p. 38.

it. The great age it will attain has always attracted veneration for it. Authors have calculated with some ingenuity, and with considerable show of truth, that many old oaks, now or lately existing, had been growing for centuries before the Christian era. Seven hundred years make no extraordinary period in their existence.

Acorns were used by man in his uncivilised state as food, and materially assisted in supplying his wants, while the honey dew of its leaves he drank as mead. It was even celebrated as the mother and nurse of man. An improvement in diet has ever kept pace with an improvement in the cultivation of the soil. The man who labours hard to produce the best animals and the best cereals soon learns to partake of them; and the swineherd, we have just seen, is sent into the forest with the hogs to feed them on the mast which once contributed to the sustenance of man. Swine, I have always understood, do less mischief in our woods than any other description of stock, especially where acorns and beech mast are plentiful; for in turning up the ground in search of their food, they bury the acorns and mast, which vegetate, and are reputed hardier and better rooted than those trees which are raised and transplanted.

I will here remark that the Romans were very partial to pork; indeed, if we are to believe their historians, they were epicures in swine flesh; so much so, that their censors published edicts prohibiting the use of certain porcine delicacies at suppers.

The Anglo-Saxons were equally partial to pork. They reared extensive herds of swine, and attached vast importance to the acorns and beech mast. They did not, we shall find, estimate the value of their trees as we should now do, by their girth, but by their circumference and the number of hogs that could lie under them; and there can be no doubt that they depended very materially for subsistence upon the herds of swine, oxen, and sheep fed on the different wealds which then covered so large a proportion of the island. From the early documentary history of our forest, it would

appear that herds were originally turned at large into it, under the charge of swincherds, in quest of food, without any mark, limit, or restriction ; and that the feeding and pasturage were all in common. This was the ordinary practice for ages. We read that in Italy those who formerly had the care of swine never enclosed them in separate pastures nor followed them, as was the practice of the Greeks, but went before them, occasionally sounding a horn. We are told that the swine were capable of distinguishing their own horn, that their exactness in this was almost incredible ; that when different herds got mixed, the conductors went to different sides and sounded their horns, on which the herds separated and ran with such alacrity to the sound of their respective horns, that no violence could arrest their career.

CHAP. VIII.

Prof. Donovan
on Dom. Economy, p. 123.

CHAPTER IX.

THE FIRST CHARTERS RELATING TO THE FOREST.

CHAP. IX.
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BEFORE I treat of the forest as belonging to the sovereign for the time being in right of his crown, and "not acknowledging any private lord or proprietor," I would remark that we do not find in Kent any trace of a written law, or charters, or grants, anterior to the sixth century. An unwritten law or custom respecting the tenure or holding of all the lands in Kent is supposed to have existed from the earliest period of Kentish Anglo-Saxon history, which became the Common Law of the district, and was known as the custom of Gavelkind, of which I shall hereafter speak.

I will commence my documentary evidence with a royal "Landboc," or donation, of Ethelbert II. of Kent, in A.D. 762. If I had begun with an earlier charter, I might have found some difficulty in satisfying the reader of the identity of the property referred to, and this would have detracted from the object I have in view, which is to supply a simple and, if possible, intelligible history of this once dark spot of the earth.

Availing myself of the late Mr. Kemble's valuable work, the "Codex Diplomaticus," I propose to introduce very brief translations from it of those portions of the documents which bear upon my subject, and unless these extracts are read with care, I fear I shall not be able to convey a correct idea of what I have undertaken to explain.

Ethelbert II., it will be remembered, held Kent with

Sigeward, and succeeded Withred and Swabert, who also held Kent jointly, and I will commence with a charter of this Ethelbert, and as it is short, I will insert nearly the whole of it. I shall, however, only set out the substance and most important portions of the subsequent ones.

CHAP. IX.

“AETHILBERT OF KENT, 762.

“In the name of our Lord Jesus Christ. The monastery of the blessed Apostles Peter and Paul, which lies east of the city of Canterbury, owns a piece of land in the district which is called Cert. Now on this land there is a mill, half the usufruct of which, (i. e. half its grindings), has been transferred by the owners of the aforesaid monastery and of this property to the Royal Vill, which is called Wyth: on this condition and exchange, that the man who rents the land on which the mill is should have the pasturage and feeding of a herd of swine in the Andreds Weald for ever, &c.”

Cod. Dip., 108.

Then follows the confirmation and the signature of witnesses.

After such a distance of time it is somewhat remarkable that not one, but all the places here mentioned may at this day be clearly identified. The monastery is of course that of St. Augustine. The royal vill is the royal manor of Wye; and if Mr. Lewin's theory, that the first engagement between the Romans and Britons took place in this vicinity, is correct, it may account for the importance here given to it—“royal;” and so it has continued to this day. This honoured distinction, even in Kent, is very rarely to be met with; but I fear we should be only wasting our time in endeavouring to trace its origin.

Vide p. 16
this work.

The feeding and pasturage of the herd of swine in Andreds-Weald needs no other remark than that a right was thus conferred over the *whole* forest, and not then limited or confined to a particular district.

Next as to the “district which is called Cert.” Chart has been one of the Hundreds of Kent from our earliest history: may we conclude that hundreds (of which I

CHAP. IX.

shall shortly speak) had been formed in Kent at this period (A.D. 762), one hundred years before the reign of King Alfred? The words of the charter describe the land as being "in regione que vocatur Cert." Ainsworth's translation of *regio* is "a border—a ward—a limit or bound."

The present parishes of Great and Little Chart, as will be hereafter shown, border on the Weald. A considerable portion of the former, and a much smaller one of the latter, will be treated by me as lying within the Weald; while, if I am right in my conjecture as to the situation of the mill, it was *not* within the Weald. I will here request my readers to bear in mind that the word "parish" implies an ecclesiastical boundary; originally, the word "*parochia*" meant a diocese; after that it included only the district belonging to each church; and it is seldom used in any document *solely* connected with civil matters until the reign of the Tudors, when the monasteries were dissolved and laws were first passed for the relief of the poor, which recognized the ecclesiastical boundary.

The mill referred to must be the old Wortin water mill, in Great Chart, near to Godinton. There is a water mill at Little Chart; but Great Chart is generally described as "Cert," while Little Chart is called Little Cert. It could not, however, have been a parish at this time. If therefore it was not then a Hundred, the name was given as a local boundary. The mill I have referred to has been held for many years by the Haberdashers' Company as the lessees of the Dean and Chapter of Canterbury; and this property, after having been in the possession of that church for upwards of 1100 years, is now handed over to the Ecclesiastical Commissioners.*

But we must not forget the half of usufruct or grinding of the mill. The expression "half a mill" is frequently used by the Anglo-Saxons in their charters; and denotes that the opposite bank of the stream on which the wear was erected belonged to a different proprietor. The

* The site of the mill will be shown in the second, or Domesday map.

mill in these cases had two wheels or water courses (occasionally only two pairs of stones), which were severally appropriated to the respective owners.

Thus from history we learn that a swineherd discovers and murders a West Saxon king in 755 on the *western* border of the forest in Hampshire, while a royal charter granted seven years afterwards by a Kentish king confers a right of feeding swine at its *eastern* border.

The next charters are those granted by Offa, King of Mercia, between A.D. 770 and A.D. 800. I have already referred to the victory that Offa gained at Otford, by which he became *de facto* King of Kent. At one time he contemplated uniting it with his own kingdom.* He was at first a great benefactor to the church at Canterbury, but the citizens afterwards offended him, and, "rebellious against God," he endeavoured, and for a time succeeded, in establishing a rival archiepiscopal see to Canterbury at Lichfield, and he deprived Lambert, the then archbishop, of all possessions within his territories. He is called "a downright public pilferer," for many of the possessions of the church he converted to his own use. Some we shall see he afterwards restored or gave to other churches.

Offa,† whilst he ruled in Kent as a usurper, made grants to the see of Canterbury and monastery of St. Augustine, as well as to the see of Rochester; and in A.D. 788 we find him exercising the rights of a Kentish sovereign, and giving Trottesclib (Trottesclive, or Trosley, "the hilly tract") "to the church of St. Andrew the Apostle and to the bishopric of the fortress of Hrofescester (Rochester), where the blessed Paulinus rests." A general pasturage of swine, "*id est* weald-bæra," in different places is here granted; but the places enumerated cannot be identified so well as

CHAP. IX.

Henshall and Wilkinson's *Domesday for Kent, Surrey, and Sussex*, p. 11.

William of Malmesbury, p. 78.

A. S. C., p. 339.

Cod. Dip., 152.

* In one of Offa's charters to the church of St. Saviour, Canterbury (A.D. 790), he describes himself as "King of the English."

† He was one of the most powerful of the Anglo-Saxon princes. It is said he died in the Isle of Sheppy on his return from Rome, whither he had been on a pilgrimage, though he was buried at Bedford.—*Hasted*, Vol. II., fo. ed., p. 646.

CHAP. IX.

Somner,
Roman Ports
and Forts,
p. 108.

Cod. Dip., 1014.

in the former charter. The word "weald-bæra" is frequently used in Saxon charters; and it may be remarked that it, as well as the word "denbera," conferred a right of feeding swine in the forest, either generally or in particular districts, as I will hereafter further explain.

A charter granted by Offa in 791 to Christ Church, Canterbury, is often referred to by Kentish historians. It is a grant of Otteford [Otford], also "of land of fifteen ploughs, or plough-lands *belonging to me* in the province of Kent, *i. e.* Iockham or Yeckham [Ickham,—Kemble calls it Sockham], Perhanstede, Rokinga or Rokinge [Ruckinge, on the borders of the Weald], and in the wood which is called Andred for swine pastures in these places, Dinivalingdene, Sandhyrste [Sandhurst], &c." Pasturage for swine is also granted in the woods of Bochoht and Blean-Heanhric; thus proving that in A.D. 791, though the Blean also belonged to the king, the forests of Andred and Blean were then quite distinct and known by different names.* It would be a waste of time to conjecture where the places which we cannot identify may have been, or to refer to any charter the authenticity of which has been questioned. We have sufficient information for our purpose. The "land of fifteen ploughs," or plough lands, I take to mean the extent of arable land which fifteen ploughs could till in the course of a year.

It will have been remarked that the first charter referred to confers a general right of feeding over the whole of the forest of Andred; while the second and third limit the right to certain defined districts. Offa's charters are numerous, extending over different parts of the county, and including the right of feeding hogs in the "royal wood;" but as Andred is not mentioned by name, it is

* This charter also confers a right of pasturage of one flock near Thenningden [Thanington, near Canterbury], and of fifty hogs at Smede [Smeeth], establishing the antiquity of these places, and that they were woody districts. Mersham Hatch, the seat of Sir Edward Knatchbull, Bart., is partly in Smeeth; and some of the oldest oak pollards in the county are to be seen there.

unnecessary for the present to refer to any more of them, for the Blean was also a royal wood.

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Cenulph, another King of Mercia, we have already seen ravaged Kent "as far as the marshes," and he appears to have afterwards placed one of his own dependents on the Kentish throne; for we find, in a charter A.D. 805, Cuthred, King of Kent, *with licence of Cenulph, King of Mercia*, in the time of Archbishop Wulfred, giving to Christ Church, "Bocholte and other lands;" and after him Cenulf must have remained king up to the termination of the Octarchy in Kent, though Baldred might have been nominally so, for Cenulf commences a charter of September 20th, 822, by describing himself as King of the Mercians, as also of "Cantwarioriem," and proceeds to grant to Archbishop Wulfred one plough land in the part called Mylentum, in the province of Kent, and pasturage and feed for swine, and for flocks and goats in their places, in Ondrede [Andred], in Hyrst [possibly Hurst, near Aldington], Sciofingden, and Snoad-hyrst. There is a difficulty in identifying some of these places. Mylentum, some Anglo-Saxon scholars appear to consider lost, but I believe it is intended for Middleton (the middle-town of Kent), now Milton next Sittingbourne. In this charter we meet with the word "armentum," in referring to the pasturage, which would comprise a herd of large cattle or deer.

Cod. Dip., 216.

This closes so much of the documentary evidence connected with the kings whose reigns are recorded in the preceding chapter, as I think it important now to refer to. During this period of our history King Ina reigned over the West Saxons and ended his days at Rome. He was renowned for his laws: two, which relate to our sylvan subject, I will insert here as characteristic of those particular times, and in confirmation of what has been previously stated as to the wide-spreading branches of the oak being preferred to its heart. In short, woods were then considered unproductive, not on account of the size of the trees, but when they did not produce acorns and mast.

CHAP. IX.
The Laws of
King Ins.

"43.—OF WOOD BURNING.

"When a man burns a tree in a wood, and it be found out against him who did it, let him pay the full wite [fine]; let him give sixty shillings, because fire is a thief. If a man fell in a wood a good many trees, and it be afterwards discovered; let him pay for three trees, each with thirty shillings. He need not pay for more of them, were there as many of them as might be, because the axe is an informer, not a thief."

"44.—OF TAKING WOOD WITHOUT LEAVE.

"But if a man cut down a tree *under which thirty swine may stand*, and it be discovered, let him give sixty shillings."

CHAPTER X.

ANGLO-SAXON HISTORY CONTINUED.—EGBERT TO ALFRED.

AFTER the death of Offa of Mercia, A.D. 794, and the fruitless attempt made by the Kentish men to regain their independence during the reign of his successor, Cenulph, A.D. 796, Kent continued dependent on Mercia. In the meantime Wessex became the paramount state of Mercia, and Brithric, its king (the son-in-law of Offa), to secure his usurped throne, put to death all the kindred of Ina with one exception, Egbert, who escaped to the continent, and spent a portion of his early life profitably in the court of Charlemagne. On the death of Brithric (who was poisoned by his wife Edburga) Egbert was recalled and placed on the throne. While in exile he had learnt so well the arts of war and government, that he was enabled to extend the bounds of his kingdom, which soon included Kent; and Ethelwulf (the son of Egbert) having driven Baldred beyond the Thames, ruled over Kent as his father's viceroy.

CHAP. X.
A.D. 800 to
871.

Towards the end of Egbert's life, and having disbanded his army, the Danes made a descent upon England, and landed in Scepige, or Sceapige (the Isle of Sheppy), and disturbed the close of a career which had been otherwise most prosperous. These piratical barbarians, unsoftened by Christianity, continued for nearly two centuries to ravage England and spread devastation throughout the land, but more especially in Kent, whose coast lay open to their debarcations.

The Danes.

CHAP. X.

Macaulay,
Vol. I., p. 10.Turner, Vol. I.,
p. 435.

It may not be out of place to give here a brief history of this people, especially as we shall have occasion to refer to them as we proceed. They were Scandinavians, and though called Danes, were mainly composed of nations living in the regions of Norway and Sweden. The Danes, who ultimately established themselves in Britain, were the most terrible and most successful. Their highest title was *Viking*, or *Vikingar* (sea kings—kings of bays). They visited countries with no intention of forming settlements, but solely to plunder. The great horror and detestation which the Saxons had of them is exemplified in their chronicles and charters, where they are called "Heathens;" and the Saxons were now to suffer at the hands of the Danes the same atrocities, after the lapse of years, which had attended the victories of their ancestors over the Celts. Thus civilization, just as it begun to rise, sank down once more. For "without one yard of territorial property, without any towns or visible nation, with no wealth but their ships, no force but their crews, and no hope but their swords, these sea kings swarmed on the boisterous ocean, and plundered in every district they could approach. Their boast was never to sleep under a smoky roof, nor to indulge in the cheerful cup over the hearth." The eldest son usually ascended the paternal throne, and the rest of the family hastened like petty Neptunes to establish their kingdoms on the waves. When at peace they were kept in amity by the most studied equality; when at war they lashed their ships together, and from the prows rushed on like our famed naval hero, Nelson, to victory or death. They despised tears and mourning as a badge of weakness, and never made any outward show of sorrow for their deceased relations.

Familiar with misery from their infancy, they knew no glory but from the destruction of their fellow creatures, and yet from the descendants of these men some of the noblest people in Europe have originated.*

* The complimentary address of the Danish residents to the Princess of Wales on her recent visit to Hull contained the following passage:—

Egbert died about the year 837, having reigned upwards of thirty-seven years. He appears to have given the kingdom of Kent with the adjoining kingdoms to his son Athelstan, while to Ethelwulf descended the kingdom of the West Saxons, and thus he weakened the influence of the Bretwalda.

CHAP. X.
A. D. 837.
A. S. C., 347.

For the succeeding forty-four years we meet with constant conflicts between the Danes and Saxons.

The next mention we find made of Athelstan as King of Kent is in the year 851, when, the Anglo-Saxon Chronicle tells us, he fought on shipboard at Sandwich and took nine ships and put the others to flight, but his victory was not decisive, for the "heathen men" soon after took both Canterbury and London by storm, and for the first time remained through the winter in Kent; Athelstan died soon after.* Ethelwulf survived him seven years, and by his will, which was confirmed by a general assembly of his nobles, he bequeathed Kent to his second son Ethelbert, and Wessex to Ethelbald. Ethelbald however died five years afterwards, and Ethelbert, in contravention of his father Ethelwulf's will, succeeded to all his possessions. In the fifth year of his reign the Northmen landed in the Isle of Thanet, and the men of Kent agreed to pay a sum of money for peace; but pending this negotiation the invaders burst from their camp at night and ravaged all the eastern part of the county. Ethelbert died A.D. 866. Ethelred his brother then ascended the throne, and was succeeded in 871 by his brother Alfred, justly styled the Great, who was the youngest son of Ethelwulf.

A. D. 851.
A. D. 858.
A. D. 861.
Dr. Lappen-
berg, p. 29.
A. D. 871.

Having thus referred to the several Kings who reigned over Kent until the accession of Alfred, we will now briefly notice a few more of the grants made by them, of lands on

"Our neighbourhood abounds with reminiscences of the Dane, and it is with some feeling of pride that we associate your Royal Highness's peaceful visits with the visits of our forefathers, which, however rude, have not been without their good influence on the welfare of Great Britain."

* Dr. Lappenberg (following the A. S. Chro., Florence, Asser, &c.) treats Athelstan as the son of Ethelwulf, while he is generally called by the other Saxon writers the second son of Egbert.—*Thorpe's Translation*, Vol. II., p. 23.

CHAP. X.

Phillipot,
p. 105.Kilburne,
p. 43.Hasted,
Vol. III., p. 211Ibid., Vol. II.,
p. 438.

Cod. Dip., 1049.

P. & F., p. 109.

Cod. Dip., 281.

the confines of the Forest. Among the numerous possessions which "that public pilferer," Offa, had seized, "and violently torn from Archbishop Janobert" or Lambert, was "Chart," called in the Saxon times "*Selebertes Ceart*," which has a note of antiquity and eminence about it. It was originally a hundred of itself, and the Archbishops of Canterbury had a mansion there. It then included Little Chart, and Cenulph re-granted it to Christ Church, Canterbury, at the request of Archbishop Athelard, for the clothing of the monks. The ecclesiastics soon lost it again, and in the year 880 Archbishop Ceolnoth bought it, and with the consent of King Ethelwulf it was given to Christ Church, Canterbury.

The adjoining district of Charing had also been taken by Offa from the See of Canterbury, and was also restored by Cenulph; and he and his brother Cudred (who, it will be remembered, held Kent under him) in 804 granted Lenham, in the same locality, to Wernoth, Abbot of the Monastery of St. Augustine, Canterbury, in respect of his kindred to Ethelwulf and Cenulph, comprising twenty plough lands, and likewise certain "Denes bearing acorns in the Weald." Ethelwulf augmented this grant in 839, and again in 850, when he gave 40 cassatos [hides, sulings]. The gift was made in the Vill of Faversham, and the Denes are all mentioned by name; but, with the exception of Frittenden, they cannot be satisfactorily identified, and therefore I will not enumerate them. Somner, in referring to this grant, thus describes it:—"xiii Denberende in Andred, so the Saxon;" which, he says, "the chronicler of the place turns *xiii dennas glandes portantes*," or Denes bearing acorns.

We will next refer to two curious documents, to be found in the Codex, which, though otherwise very obscure, throw some light on the names and boundaries of places in this part of the county during the ninth century. One of them appears to be an exchange by Ethelbert of Kent (the son of Ethelwulf) in 858 with Wullaf his faithful servant, of land owned by him in a place called Wasyngwelle [West-

well] for another property at Mersaham [Mersham], to be held "eternally free from all dues of Royal labour." It proceeds:—

CHAP. X.

"Now these are the marshes which belong rightly and properly to the aforesaid land, which before had an enclosure that is at Wiwarawic, which was *anciently* subject to Wii [Wye], and Leanaham [Lenham] and Feberaham [Faversham], one salthouse and the right for two wains [waggons] to go with the King's wains to Blean Wood, and grass for four oxen with the King's oxen in Wiwarawic. Thirty statera* of cheese, and likewise ten statera in the *other* Wiwarawic and twenty lambs and twenty fehta" [cows].

The Westwell boundaries are described as ancient and well known:

"To the west the King's folcland† which Wighelm and Wulflaf occupy; to the north Cuthric's dun heriot‡ land; to the east Wighelm's land; to the south the Bishop's land at Cert, and two mills belonging to the same property, one of them at Westwell. § These are the pasturages of swine which in our language we call 'denbera.'"

Four denes are then mentioned, as well as

"That called Sandhyrst which belongs to Wassynghwellan. || * * *
* * * These are the meadows at Wassynghwellan, Stockmeadside, half way to the north of Hegford, ¶ near Sturmeda."

* A certain weight, possibly a pound.

† This was Crown Land, which the King could lease but not grant away without the consent of his witan.

‡ The heriot at this time resembled what is now known as a relief. The Normans introduced our present heriot. They are essentially different, but often confounded.

§ There is still an ancient water mill at Westwell on which an old fee farm rent is paid.

|| This is to distinguish it from Sandhurst on the borders of Sussex, and clearly refers to the Sandhyrst Farm, belonging to Sir Richard Tufton, Bart., in Westwell and Ashford, which no doubt included the Warren and Potter's Corner Woods.

¶ Mr. Kemble and Mr. Thorpe both write this 'Hegford'; and, from its being mentioned in connexion with the places above referred to, and from the termination of the word I have no doubt it is intended for Ashford. It may be imagined that our early Saxon writers had no very rigid views about orthography. Hege and Ash [Æsc] are common Saxon words. Hege might refer to 'hedge'—the enclosure by the woods from the south-west and the 'ford' in the east. If intended for Ashford it is the earliest reference I have met with. "Ash" means water, and as the branch of the Stour flowing through Ashford was known as the Eähe or Ash crossed by a ford, the town has no doubt derived its name from Eähe or Eshet. Lambarde says, "I am of opinion that this river is not rightly to be called Stour, but Eähe or Eshet, until that it have passed this town (Ashford)." At another place he says, "The Stour hath two originals, one in Lenham, the other at Postling; then both do join at Ashford, where

CHAP. X.

Diplomat.
Anglicum,
p. 119.

Mr. Thorpe also publishes this charter, and gives the following translation of the indorsement on it:—

“This is the charter of the land at Washingwell, which King Æthelbert gave to Wullaf his thane for so much other land at Mersham. The king gave and chartered to Wullaf five sulungs of land at Washingwell for the five sullungs at Mersham; and the king made the land at Mersham into folkland, when he had exchanged the lands, except the marshes, and except the salt-house at Faversham, and except the wood which belongs to the salt-house.”

The reader will have noticed that two Wiwarawics are mentioned in this charter. Wic has many significations, but the learned Anglo-Saxon scholar, Mr. Thorpe, considers it is here synonymous with Hampton-wick and other places terminating with wic or wick. He says that in preparing his *Diplomatorium* he was in doubt where to place it, which doubt I have been enabled to remove. It means here the wic, or village or street, of the people of Wye.

The reference to the *ancient* and the *other* Wiwarawic shows the value of these charters in tracing the early history of a place, and in confirming tradition, which had long pointed to the hamlet of Pett Street, situate in the valley between Wye and Crundale, as the original site of the ancient Vill of Wye, known also as Townborough. The Earl of Winchilsea is the lay owner of the vicarial tithes of Wye, while the rectorial tithes belong to the see of Canterbury, excepting this particular district, called the Town Barn Tithery, consisting of 700 acres, where the Earl is lay rector. This charter, it should be remembered, is dated more than 1000 years ago (A. D. 858).

As the marshes are also referred to, almost the only inference to be drawn is, that as the drainage of the district proceeded, the natural desire to dwell near a fertile stream drew the inhabitants to the banks of the Stour, which was formerly crossed by a wooden bridge,* and used

it first craveth the name of Stour.” Philipot however gives a very different Saxon radix—“Ashford, originally Eshetisford, implying the great plenty of ashen trees growing about the ford.” The Ash or Æsc was certainly a sacred tree among the Saxons, and is of very common occurrence in the boundaries of charters.

* Harris refers to the bridge (p. 342), and states that the present stone bridge was built A. D. 1630, at the cost of the county.

as one of the main thoroughfares from the coast. Thus the present royal Vill superseded the more ancient Town-borough.

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But I shall be told Wye is not in the Weald of Kent, Why then refer to it? My answer is, that from the time of the Conquest to the end of the reign of the Stuarts, many important portions of the history of the Weald are connected with that of Wye.

The next charter, which I will shortly refer to, is also granted five years later by Ethelbert, who describes himself as King of the West Saxons, as also of the "Cant-waras," in which he grants to his faithful thane and prince, Ethelred, some part of the land under his control, *i. e.* eight plough lands in that place where it is called Meresham. The charter proceeds—

* * "Now this land is enclosed by these well-known boundaries, from the south and the west the Stour up to the Blacanrith, on the north and on the east Eadweald's freehold down to Bradeburnam [Brabourne], and there is one half ploughland to the east of the Stour which lies up to the boundary of Garulf, the king's thane, and a meadow by Eastnee (or to the east of the river) which rightly belongs to the estate; and a boiling pit of salt, that is, one salt station, and thereto a cot in that place where it is called Herewic, and the right of taking four wains into the king's wood six weeks from Whitsunday when the other men are cutting wood that is in the king's commonage. Now these are the pasturages for swine which in our Saxon tongue we call 'denbera,' that is, Husneah, Frithingdenn, Herbedingdenn, Wafingdenn, Widingdenn, Bleccingdenn. Moreover twenty status of cheese be given from the Marsh to Meresham, and forty lambs and forty fleeces of sheep and two days' entertainment, &c."

Many of the parishes now so called which are named in this chapter (though it is an error to call them parishes, or even hundreds or manors, at this period of our history, but we will do so as a matter of convenience) are situate in the northern extremity of the Weald of Kent. We will next refer to three or four places in a more southerly direction. Ruckinge (partly in Romney Marsh and partly in the Weald) we have seen was included in King Offa's grant, A.D. 791. The "Heathens" wrested it from the Church, and it remained for a time in lay hands. Warehorne, another place partly in the Weald and partly in the

CHAP. I. *Mare*, is mentioned in a charter of Ethbert and Eadbert of the year A.D. 881, who granted it as the tithing of Godwine. It is described as "two hundred hides in a place in Lindsey called Wæringas, situate among the *Mare*nes or Fens [*pa þa mæra lene*]", and also the hundred hidings. These are the boundaries, in the east it extended southward over the river *Linne* into the South *Sæte* more or *Fens*."

Somner,
P. & F., p. 42.

November already referred to in Chap. VI., and Sanderson, acquiring it, were also granted by the name of *Andred* in the year 751, by Offa to the monks of Christ Church, Canterbury. — *ut pascuas pascuorum*, "for the pasture of their flocks." Phillips, Harris, and Hasted are my authorities for this: the latter quotes Dugdale, Vol. I., p. 19.

Parks & Fens,
p. 100.

Somner speaks of similar charters found in Christ Church, Canterbury, and elsewhere, granted during the eighth and ninth centuries; and among them one of land about the river *Linne* to *Münster Abbey*, in *Thames*, by *Ethelbert* [the second] son of *Wulfred* with his father's consent:

"*Pascua pascorum in Linne-wæra-wæld, et in Wy-wæra-wæld, &c.*"

And he adds—

"These were parcels, it seems like as *Burg-wæra wæld* elsewhere occurring also was; of the *Wæld*, where the men of these three lathes, since called *Shipway*, *Scray*, and *St. Austine*, were more particularly accommodated with the liberty of passage."

I here trace a greater resemblance to the German system of the mark than in the observations of Mr. Kemble in his appendix to the *Codex*; because we find a right recognized for the owners of property situate in these three lathes, of feeding in the forest in respect of such property.

Somner also refers to the grant of land at *Bromley* by King *Ethelred* to the church of *Rochester*, conferring the use of the wood in *Andred*. A similar right, he says, was enjoyed by the church of *Darenth*, and also by the manor

* This reference is important, and I will speak of it hereafter.

of Newington-next-Sittingbourne, which latter manor extended over seven Denes in the wood called "Wald."

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I have thus shown that in process of time, the defined dene or boundary was substituted for a feeding in common in the forest. I will now endeavour to give, from the recognized authorities, the etymology of the word "Dene" which I have translated with the "e" final, on the suggestion of some of our modern Anglo-Saxon writers.

"DENN (f.), derived by Leo and Kemble from a Keltic word, 'dion,' protected; meaning, any quiet protected spot.

Kemb.
Glossary in
the Codex.
Thorpe's Glos-
sary, p. 655.
Dr. Bosworth.

"DEN, for Denn.

"DENU—den, cave, valley.

"DENN, for den, a valley."

It is also called "a dingle," and sometimes refers to outlying pasture in woods.

"DEN, the termination of a local name, may signify either a valley or a woody place; for the Saxon 'Den' imports both.

Gibson's
Camden.

"DEN. The names of places ending in den signify the situation to be in a valley or near woods, as Tenterden, Biddenden, &c., from the Saxon Den—*valis, locus, sylvestris*."

Blount's Law
Dict.

This word must not be confounded with the word used by the translators of our Bible, where we find that when the hand of Midian prevailed against Israel, the people made them dens which are in the mountains, and caves, and strongholds; or again, with the den into which Daniel was cast.

Judges vi., 2.

Daniel vi.

But even in *this* county the use of the word was not confined to the Weald, but had a more general application, and included low protected spots apart from woods; for in very early rentals of Great Chart, Chartham, and Appledore, all belonging to Christ Church, Canterbury, we find the Dene of Sampson Hope, the Dene of Snargate, and the Dene of Ivychurch, all in Romney Marsh. Now neither of these places could have been valleys covered with or near woods.

The Charter of Edward II. to the Barons of the Cinque Ports contains a grant of "Den and Strond" at Great Yarmouth. Mr. Jeake, in his annotations on this charter, describes Dene as "an old word for a valley or low place ;

Jeakes'
Charter of the
Cinque Ports,
p. 12.

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Glossarium,
p. 167.

and here (Great Yarmouth) the liberty is granted for the Ports fishermen to beet or mend and to dry their nets upon marsh lands there, yet [1737, and still] called 'The Dennes,' during all the herring season."

But the following translation from Spelman gives, to my mind, the best and most comprehensive definition of the word as applicable to this work, while it is at the same time one of the most ancient. He first quotes the Domesday of Kent, and refers to the *small* and *large* denes described under the head of Tarentford, and of *half* a dene in the Weald under Middleton, and then proceeds:—

"I repeat the word over and over that the light may be let in by chinks. Agarde has pronounced an opinion that 'dene' means wood for cutting down enclosed in a hedge. I doubt: query. But the Saxon word 'den,' alias 'dene,' is the same as lair, cave, valley; sometimes [sheep] cote, a resting place [of beasts], whence the origin of the word seems to be derived. For I have heard some calling it a bed of wood, and it has otherwise been called a yoke by others. That is 'jugum,' which see. It does not contain a fixed measurement of land, but sometimes 500 acres or more—sometimes less than half; whence comes that expression in Domesday of 'small denes' and 'large denes.' In the woody part of Kent it has given a name to several villis. Tenterden, Rolvenden, Newenden, Benenden, Horsmonden, Spelmonden, &c.; but rather with the signification of a valley. Now in these some write don, or dun, for den, i.e., 'hill' for 'valley:' wrongly."

Thus much—

"In forest wild, in thicket, brake, or den."—*Milton*.

In two of the charters just referred to we find "Denbera," a name given by the Saxons to pasturage. Somner says Denbera for the most part (sometimes Wealdbera) was the usual word and expression by which this liberty of pasturage did pass and was conveyed.

Thorpe's Glossary, 655.

"DENBERU (m.) pl., denbæra, a pasture for swine: from den (denu) a valley, hollow, and bæro, a wood, grove, particularly, it would seem, one affording mast, &c., for swine."

Bosworth.
Kemble.

"DEN-BÆRE—Wood bearing—woody, yielding mast."

"DENBERS (n.pl.) pasture for hogs."

Next as to "Cassatos," "Hides," "Sulungs." In the Charing charter forty cassatas are granted. Now cassatum I find in an old Law Latin Dictionary to be "a house and land sufficient to maintain one family."

Mr. Thorpe defines a hide—

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“HID (f.) hide, a space of land of uncertain extent, varying it would seem, from 96 to 120 acres. It has been assumed to have originally been a sufficiency of land for the support of one family, a vague definition, though sanctioned by Beda. Thorpe's Glossary, 657.

Founded on calculation, Mr. Kemble's opinion is, that the hid contained about thirty acres of our measurement; but that the Saxons had a large and a small acre as well as a large and small hundred.

The quantity of a hide was never expressly determined. Sometimes it is stated to be as much as was sufficient for the cultivation of one plough. One hundred acres, sixty acres, and even twenty acres, have been named. The probability is, that it contained no certain number of acres, but varied in different places.

Ellis, Introduction to Domesday.

Sulung, sowling, or solin, was a measure of land peculiar to Kent, the name being derived from *sul*, a plough or ploughshare. It is supposed to represent the same quantity as a cassatum, and to be equivalent to a hide. But we will not dwell longer on these three words. No two writers appear to have agreed on the subject; and the late Mr. Larking says that this all arises from the fact that measurements were not made, as now, by graduated lines and rods, but by a much more practical standard, viz., the actual work done by the plough or the labourer in a given space of time, which of course must vary in varying soils.

Notes on Domesday (44) p. 160.

The salthouses and boiling pits of salt referred to in these charters remain to be noticed. The salt works in counties bordering the coast were ponds and pans for procuring marine salt by evaporation. Those in more inland parts were what are called the refiners of brine or salt springs. Rock or fossil salt was not known in England at this time.

Introduction to Domesday, fo., p. 413.

Before I conclude this chapter, I would remark that it is not unusual to find different kings (especially those who were only *de facto* kings of Kent) granting the same estates as they from time to time seized on them; and in many

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instances the words used are sufficiently comprehensive to pass the whole of a district, whilst only a part is intended to be granted. Thus far we find no mention of Tenterden, Cranbrook, Tunbridge, and other important places in the Weald which have since reared their heads. The density of the centre of the forest remained. The places already noticed were situate chiefly on its borders, except Newenden, which owed its early importance to the Limen and the sea, and except Sandhurst, Frittenden, and the other denes over which a mere right of feeding had been granted.

The selection by mankind of fertile valleys for their abode and sustenance has been uppermost in their thoughts and desires from the time that Lot lifted up his eyes and chose the well-watered plain of Jordan. This is strongly evinced by the spots on which the founders of the Anglican Church erected their cathedrals and monasteries. Fostered by that church, the industry, perseverance, and judgment of the inhabitants soon altered the face of this country. There was nothing new however in the process; it had been going on for centuries, and it is still going on in all our colonies. The supply of food keeps pace with the demand. There are millions of acres on the face of the earth yet capable of being brought into cultivation to supply the wants of the millions yet unborn. The well-watered plain will ever be the most favoured and first selected spot; and when that is covered with habitations, then the lofty trees of the forest are laid low, the wood is cleared, and light and air in process of time dispel the gloom and solitude which have so long prevailed. Slowly and step by step the bow and quiver are laid aside for the ploughshare, and the peaceful herdsman, instead of wandering with his swine over the forest is taught to keep them within a defined dene or boundary to which some influential cultivator of the soil has given a name. Meantime on the borders of the forest "the ford, the mill, the bridge, have become the nucleus of a village, and the blessings of

mutual intercourse have converted the squatters' settlement into a centre of happiness." And thus the first inhabitants of the Weald, without any main thoroughfares, lived within their own limits, with little inducement to wander from home, and content with the cultivation of a peaceful plot sufficient for the wants of a few simple households.

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CHAPTER XI.

ALFRED THE GREAT.

CHAP. XI.
A.D. 872.

WHEN Alfred, the fourth son of Ethelwulf, ascended the throne he was only twenty-two years of age, and the Danes were masters of great part of England. He took the field against them immediately after his coronation, and we find him continually engaged in opposing their incursions in almost every part of his kingdom, but with so little success, that at last scarcely three counties (Hampshire, Wiltshire, and Somersetshire) adhered to their allegiance. His retreat to the Island of Athelney, and his entering the tent of the Danish monarch disguised as a minstrel, are some of the most cherished portions of his chequered life. The story however rests on the authority of Ingulf and William of Malmesbury; Asser does not notice it.

A.D. 878.

Wm. of
Malmesbury,
p. 113.

After a three months' residence in Athelney, Alfred assembled all the forces he could collect, and attacked and routed the Danes with incredible slaughter. Some, under Guthrum, embraced Christianity, and settled in the east of England; others, under Hasten, quitted England. For years they ravaged Italy and France, and at length (A.D. 898) they resolved on a fresh attack on this country. Hasten, arriving at Boulogne, there collected a fleet of 250 vessels, which he despatched to the coast of Kent. They landed at Appledore, on the borders of the great forest. The Anglo-Saxon Chronicle thus describes the event:—

"A. 893. In this year the great army, about which we formerly spoke, came again from the eastern kingdom westward to Boulogne, and there was shipped; so that they came over in one passage, horses and all; and they came to land at Limene-mouth with two hundred and fifty ships. This port is in the eastern part of Kent, at the east end of the great wood which we call Andred; the wood is in length from east to west one hundred and twenty miles, or longer, and thirty broad: the river of which we before spoke flows out of the Weald. On this river they towed up their ships as far as the Weald, four miles from the outward harbour, and there stormed a fortress: within the fortress a few churls were stationed, and it was in part only constructed. Then soon after that Hasten with eighty ships landed at the mouth of the Thames, and wrought himself a fortress at Middleton [Milton-next-Sittingbourne]; and the other army did the like at Appuldre [Appledore]."

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A.S.C.,
p. 360.

This invasion of Kent is also recorded by Ethelwerd and other Saxon writers. Lambarde thus speaks of it:—

"In the time of King Alfred, that great swarm of the Danes which annoyed this realm, and found not herewith to satisfy the hungry gut of their ravenous appetite, brake their company into twain; whereof the one passed into France under the conduct of Hasten, and the other remained here, under the charge of Guthrune. p. 184.

"This Hasten, with his company, ranged over Normandy and other places in France, killing, burning, and spoiling whatsoever was in his way, insomuch that besides the pitiful butchery committed upon the people, and the inestimable booty of their goods taken away, he consumed to ashes above nine hundred religious houses and monasteries.

"This done, he sent away 250 of his ships, laden with rich spoil, which came hither again, entering into the River of Rother (then called as Leland weeneth, Lymen, at the mouth whereof old Winchelsea sometime stood), and by sudden surprise took a small Castle that was four or five miles within the land, at Apultre (as some think), which because it was not of sufficient strength for their defence and coverture, they abated to the ground, and raised a new, either in the same place or else not far from it.

"Shortly after cometh Hasten himself also, with eight sail more, and sailing up the River of Thames, he fortifieth at Middleton now Milton, over against the Isle of Sheppey: which thing when King Alfred understood, he gathered his power with all haste, and marching into Kent, encamped between the two hosts of his enemies, and did so bear himself, that in the end he constrained Hasten to desire peace, and to give his own oath, and two of his sons in hostage for the same."

Somner says:—

"From whence clear enough it is that the sea, with a large and spacious inlet, arm, and estuary, in those days flowed in between Lydd and Romney, and was there met with the river Limen, which of necessity must have a very large capacious mouth, or bosom, to receive, as it did, a fleet of 250 sail, the number of those Danish pirates being no less, who in the year 893 put in here, and towing up their vessels four miles within the P. & F., p. 51.

- CHAP. XI. land, even as far as to the Weald (which then extended eastward unto Appledore) there cast anchor, and destroying a fort or castle, as old and imperfect as ill-defended, built a new one and kept their rendezvous there."
- p. 27. Dr. Harris is of opinion that the place where the Danes first landed on this occasion was not at Appledore but in the vicinity of Kennardington, two or three miles further north. He refers to the remains of old works two miles short of Appledore under the hill at Kennardington, and
- p. 167. he subsequently speaks of a manuscript of Dr. Plot's, in his possession, describing some ancient works, and suggests that the Danes stopt awhile here before they proceeded to Appledore. Kennardington is also a border parish partly in the Weald and partly in Romney Marsh, called for shortness Kenarton, a name, Hasted says, taken from one Cyneward, its Saxon owner, and he further remarks that below the hill on which the church stands, and adjoining to it south-east, are the remains of some ancient fortifications of earth with a breastwork thrown up and a small circular mound, and in the adjoining marsh below is another of a larger size with a narrow ridge, apparently leading from one to the other, and he gives a sketch of it. He infers these works were thrown up during this invasion.
- p. 121. Afterwards, in describing the antiquities of Appledore, Hasted says the situation was formerly very different from what it is at present, it having been anciently a maritime town to which the sea flowed up and large ships frequently navigated. He then refers to the altered course of the Limen or Rother, of which we shall have occasion hereafter to speak.
- The fleets and forces of Hasten on the Thames and at Appledore gave him a complete command of Kent. Fertile fields were laid waste, monasteries and churches were destroyed, cities, towns, and villages burnt down, especially those in the immediate vicinity of Appledore, as far as and including Great Chart; and Ashford grew out of the ruins of that place.
- Ibid, p. 248. Alfred appears to have displayed great skill and caution on this occasion. He proceeded until he encamped as near

as he could between the two armies of the Danes, with reference to the "wood and water fastnesses," so that he might be able to reach either of them in case they should seek the open country; and the enemy from this time went out along the Weald in bands and troops. Hasten's object being to unite his two armies which had assembled at Appledore and Milton. But it is unnecessary to pursue his career further; his attempts to wrest the sceptre from Alfred were all futile. After a four years' conflict, he returned to France and ended his days in peace and privacy. Had he died victorious in the battle field, his name would no doubt have been honoured as one of the greatest of Danish heroes.

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A.S.C., p. 361.

A.D. 897.

Drayton records the invasion at Appledore in more elegant language than Lambarde:—

"Old Andredsweald at length doth take her time to tell,
The changes of the world, that since her youth befell,
When yet upon her soil scarce human foot had trode;
A place where only then the Sylvens made abode:
Where fearless of the hunt the Hart securely stood,
And every where walked free, a Burgher of the Wood;
Until those Danish Routs, whom hunger starved at home,
Like wolves pursuing prey, about the world did roam:
And stemming the rude stream, dividing us from France,
Into the spacious mouth of Rother fell by chance,
Which Lymen then was called; when with most irksome care,
The heavy Danish yoke the servile English bare,
And when at last she found there was no way to leave
Those whom she had at first been forced to receive;
And by her great resort she was, through very need,
Constrained to provide her peopled towns to feed;
She learn'd the churlish axe and twybill to prepare,
To steel the coulter's edge, and sharp the furrowing share."

Poly-Olbion,
Canto xviii.

No other event of any importance immediately connected with my subject occurred during the reign of Alfred, except the part he took in establishing order and good government, and which I propose to treat of in the next chapter. I will therefore close my remarks with a brief but I trust not unprofitable epitome of the life of this great man. Gifts are not always graces, but when we do find all that is great and good combined in the same character, how refreshing and encouraging it is to meditate on it.

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Alfred has now been dead nearly 1000 years, and he is still acknowledged "the mirror of kings, and the hero of European civilization."

He was born at Wantage A. D. 849. His royal parents were as anxious to secure the crown for this their beloved and last-born child as Rebecca was to promote the earthly interest of her darling Jacob. The result was the same, for the Almighty had pre-ordained it.

Of his early career Lappenberg thus writes :—

Ang. Sax.
Kings, Vol. II.,
p. 43.
Thorpe's Ed.

"The babe of five years is committed to the ocean in the frail Saxon bark, and conveyed, through the territories of doubtful friends, over the icy ridges of the Alps to Rome. The holy father is solicited to bestow the blessing of unction on the stranger child, who, unmindful of the consequences, confers on him the greatest gift of Christianity. The anointed boy returns to the land of his fathers, and, a few years afterwards, performs the same journey with the same security." * * *

"Ælfred excelled in personal comeliness and strength; as a hunter he was unrivalled; his mental talents were also of equal excellence, but, owing to the heedlessness of his parents, he had passed his twelfth year before any literary instruction was bestowed on him, though his memory was stored with those Saxon poems which, both by day and night, he had eagerly learned from the recital of others." * * *

"In his twentieth year he espoused Ealhswith, the daughter of Æthered, surnamed Mucil, ealdorman of the Gainas in Lincolnshire, and of the noble Eadburh of the royal house of Mercia. In the midst of the festivities, which lasted for several days, he was seized with a malady different from the first, the nature of which was unknown to all the physicians of the time, and from which, it is said, he enjoyed scarcely a day's respite during more than twenty years of his useful and active life. But Ælfred, by the vigour of his mind, by the power of his will could repress the irritability of his body, and the increasing malady seemed only to have strengthened his mental energy." * * *

"After his three brothers had in succession ascended the throne and died, two of them childless, the third leaving two sons minors, the royal dignity was in a manner forced upon Ælfred, who had scarcely attained his twenty-second year. Had all this been imparted to us by any other hand than that of the venerable and highly credible bishop Asser, the contemporary and friend of Ælfred, who wrote his biography during the life of that prince, we should undoubtedly have been justified in withholding our belief in the narrative."

His piety, his wisdom, his good laws, and strict impartiality in administering them, have long been household words. His military skill, as displayed in our own county, we have already noticed; and it is with no little pride and delight that "the men of Kent," as well as "the Kentish

men," can boast that while oppressed and groaning under the yoke of "hated Pagan foreigners," Alfred hastened to the rescue of the shire, and lent his powerful aid to subdue the Danes.

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Extraordinary distress suggested the idea of our "wooden walls." Alfred became the founder of that naval power which in subsequent ages was to become the object of the world's dread and admiration; and for eight hundred years no part of England supplied more sound heart-oak for British ship-building than the forest of Andred: some of Alfred's vessels had sixty rowers, and were higher, swifter, and steadier, as well as nearly double the length of the Danish vessels. But sailors are not made as easily as ships, and he was obliged to hire Frisians for his fleet, they being esteemed the most experienced seamen of that day.

A. S. H.,
A. D. 897.

He was equally anxious to restore and improve what the Danes had laid waste. The ruined fortresses were more strongly rebuilt. London, Canterbury, and other cities and towns which had by conflicts and conflagrations become piles of ruins, were re-edified, ancient monasteries were rebuilt, and Alfred added some of his own foundation, as at Shaftesbury, Winchester, and Athelney. He was very studious, especially on theological subjects. Though almost self-taught, his attainments were considerable, and he wrote and translated several works. At the same time gross ignorance prevailed throughout the kingdom, even among his clergy, which he did much to remove.

"Very few were they" (says Alfred himself), "on this side the Humber (the most improved parts of England), who could understand their daily prayers in English, or translate any letter from the Latin. I think there were not many beyond the Humber; they were so few, that I indeed cannot recollect *one single instance* on the south of the Thames when I took the kingdom."

Turner,
Vol. II., p. 8.

On less authority than his own we could hardly believe such a general illiteracy among the clergy, even of that day, for it is so contrary to all modern experience; but the ceaseless ravages of the Danes no doubt had much

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to do with it. Alfred was very humane and charitable; and when, in his greatest distress, a mendicant asked relief, he shared his last loaf with him.

But I must bring my remarks on this great man to a close. He died at the early age of fifty-three, on the 26th of October, A.D. 901, having reigned a little short of thirty years. In spite of the risk of censure for wandering from my main subject, I cannot forbear embellishing my work with Sir James Mackintosh's finely written character of him:—

“In any age or country such a Prince would be a prodigy. Perhaps there is no example of any man who so happily combined the magnanimous with the mild virtues, who joined so much energy in war with so remarkable cultivation of the useful and beautiful arts of peace, and whose versatile faculties were so happily inserted in their due place and measure as to support and secure each other and give solidity to the strength of the whole character. That such a miracle should occur in a barbarous age and nation, that study should be thus pursued in the midst of civil and foreign wars, by a monarch who suffered almost incessantly from painful maladies, and that it so little encroached on the duties of government as to leave him for ages the popular model for exact and watchful justice,—are facts of so extraordinary a nature that they may well excuse those who have suspected that there are some exaggeration and suppression in the narrative of his reign. Even the Norman historians, who seem to have had his diaries and note books in their hands, choose him as the glory of the land which was become their own. The bright image may long be held up before the national mind. The selection of Alfred by the English people as the founder of all that was dear to them is surely the strongest proof of the deep impression left on the minds of all of his transcendent wisdom and virtue.”

It is somewhat remarkable that Lord Macaulay, though in the brief introduction to his *History of England* he finds time to question the existence of King Arthur (as Milton did before him), yet makes no allusion to King Alfred.

CHAPTER XII.

THE CIVIL AND ECCLESIASTICAL DIVISION OF KENT.

I N the course of this work I have, though with diffidence, ventured to express my opinion on several important but doubtful questions. I am now about to refer to another that I have not seen discussed, and which therefore still remains in obscurity. In doing so, I must request the reader to keep in view that it is the civil and ecclesiastical divisions of *Kent*, and *not* of England, that I here propose to treat of.

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It is to be regretted that in our seminaries, and especially in our National schools, instruction on the topography of the county and district in which the children reside, is too often lost sight of, and left to be picked up in riper years. The adult may, or may not, be able to say that his county is divided into East and West (and of late, Mid) Kent; and that these divisions are subdivided into Lathes and Hundreds; but where is the boy in Kent who could tell you in what respect the division of his own county differs from that of the adjoining ones? Were you to ask him to which civil and ecclesiastical division even his own parish belonged, could he answer you correctly? You may find that he possesses some crude notion that Alfred the Great (whom he has been taught to look upon as the founder of everything that is good) was the originator of all these divisions, and he does not trouble himself any more about it. Ought this to be?

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The late Mr. Kemble, in the chapter following that on "The Mark," has written another learned one on the *Gá* or *Scir*. He candidly admits that its origin must be referred to a period far anterior to any historical record. He describes the *Gá* as

Saxons
in England,
Vol. I. p. 72

"The union of two, three, or more marks in a federal bond for purposes of a religious, judicial, or even political character. The technical name for such a union is in Germany a *Gau* or *Bant*; in England the ancient name *Gá* has been almost universally superseded by that of *scir* or *shire*. For the most part the natural divisions of the county are the Divisions of the *Gá*, and the size of this depends on such accidental limits as well as upon the character and dispositions of the several collective bodies which we have called marks."

After telling us that the *Gá* itself was the original kingdom, he proceeds:—

p. 73.

"As the mark contained within itself the means of doing right between man and man, *i. e.*, its *Markmót*; as it had its principal officer or judge, and beyond a doubt its priest and place of religious observances, so the County, *Scir*, or *Gá* had all these on a larger and more imposing scale; and thus it was enabled to do right between mark and mark, as well as between man and man, and to decide those differences the arrangement of which transcended the powers of the smaller body. If the elders and leaders of the Mark could settle the mode of conducting the internal affairs of their district, so the elders and leaders of the *Gá* (the same leading markmen in a corporate capacity), could decide upon the weightier causes that affected the whole community; and thus the *scirgemót* or shiremoot was the completion of a system of which the *Mearenmót* was the foundation."

In carrying out his theory and applying it to such districts as the Andred Forest, he explains that if land existed like the Weald, and not included within the limits of some mark, we may infer that it became the public property of the *Gá*, *i. e.*, of all the marks in their corporate capacity. He arrives at this conclusion, however, because a right over these waste lands was exercised at a later period by the King and other constituted authorities.

To me, Mr. Kemble's remarks on the *Gá* as applicable to England are not more convincing than his observations on the Mark. I conceive that he has drawn in both cases too largely on his imagination, and has viewed things too exclusively through a German medium. We certainly have no documentary evidence as to when shires or

counties took the place of the kingdoms which had composed the Octarchy. Everything is doubtful connected with it; though many circumstances concur to show it was not a simultaneous act. Indeed the inferences all point to a contrary conclusion.

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The subject is too important to be passed over hastily, and the reader shall be furnished with the best ancient and modern opinions which I can collect.

I will adopt here the course I have already pursued when considering other controversial points, and will refer first to some of the authors who attribute to Alfred's master-mind the division of England into shires, and afterwards quote those who dissent from this view.

The present county of Kent, as we shall find from nearly all the historians, constituted the kingdom of Kent, with some immaterial variation in the southern boundary abutting to the Limen or Rother, which we will notice hereafter.

The neighbouring districts of Sussex and Surrey were included in the South Saxon Kingdom, while Middlesex and Essex were included in the East Saxon.

England, while the Heptarchy remained entire, was not divided into counties, but, says Camden, "into certain small regions with their *hides*, which, out of an old fragment which I had of Francis Tate,* a gentleman most conversant in the antiquity of our law, I have here put down. But it containeth that country only which lieth on this side Humber." In this list Cant-warena is mentioned, and represented as containing 15,000 hides.†

p. 158.,
Holland's Ed.

Lambarde, who writes with great caution on the subject, says that from the continued contentions which existed during the Heptarchy, and the constant struggle of the Saxon kings to enlarge their borders, no certain limits to their kingdoms can be defined. "Yet (he

* Sir Henry Spelman and Mr. Kemble also refer to this document.

† I have already noticed the uncertainty attached to the meaning of this word. The quantity of land included in a hide varied, it is supposed, in different districts.

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says) we will go as near the truth as we can, and follow the best approved authors that have written thereon;" and then, in speaking of the Kentish kingdom, he observes that "it had for the most part the same bounds that the shire of Kent yet holdeth, although at sometime, and by the prowess of some king, it was extended much further."

He subsequently describes Baldred as the last of the Kentish kings, and proceeds :

"When Kent was united by King Egbert (who last of all changed the name of the people, and called them Englishmen) unto the West Saxon kingdom, which in the end became lady and mistress of all the rest of the kingdoms also; and it was from thenceforth wholly governed after the West Saxon law, until such time as King Alfred first divided the whole realm into particular shires, upon this occasion following :

Beginning of
Shires.

"The Danes, both in his time and before, had flocked by sea to the coasts of this land in great numbers, sometimes wasting and spoiling with sword and fire, wheresoever they might arrive; and sometimes taking with them great booties to their ships without doing any further harm : which thing (continuing for many years together) caused the husbandmen to abandon their tillage, and gave occasion and hardness to evil-disposed persons to fall to the like pillage and robbery; the which, the better to cloke their mischief withal, feigned sometimes to be Danish pirates, and would sometime come on land in one part, and sometime in another, driving great spoils, as the Danes had done, to their ships before them.

A.D. 892.

"The good King Alfred therefore, that had marvellously travailed in repulsing the barbarous Danes, espying this outrage, and thinking it no less the part of a politic prince to root out the noisome subject than to hold out the foreign enemy, by advice of his council, and by the example of Moses (which followed the counsel of Jethro, his father-in-law) divided the whole realm into certain parts, or sections (being two and thirty in number, as I guess), which of the Saxon word 'Seyran,' signifying to cut, he termed shires, or (as we yet speak) shares and portions; and appointed over every one shire an earl, or alderman (or both), to whom he committed the government and rule of the same."

Camden, following Lambarde (of whom he speaks in the highest commendation) says :—

p. 153.

"When Alfred was sole monarch, like as the Germans our ancestors, as Tacitus witnesseth, he kept courts and ministered justice in every Territory and town, and had a hundred men out of the common people as companions and assistants to perform this function : even so, to use the words of Ingulfus of Crowland, he first divided England into counties, for that the natural inhabitants after the example, and under colour of the Danes, committed outrages and robberies."

Dr. Harris, also, gives all the merit of dividing England

into shires to Alfred, "for the more ready and expeditious assembling of the country together against the incursions of the Danes, and for the better execution of justice." CHAP. XII.
p. 7.

Philipot and Hasted are, I think, silent on the subject.

Opposed to the opinions of the learned men I have referred to, and to the doubts which formerly existed in the minds of many other able writers and lawyers, we find, from documentary evidence, that shires were known a century before even Egbert subdued Kent, and two before the time of Alfred, viz., towards the latter end of the seventh century, when Ina was King of the West Saxons and Withred reigned over Kent; for in the Laws of Ina* we read—

Of praying justice.

"8.—If any one demand justice before a *scire-man* or other deemster [judge] and cannot obtain it, and a man will not give him wedd [pledge]; let him make bote [compensation] with thirty shillings, and within seven days do him justice."

Of taking a thief and then letting him go.

"36.—He who takes a thief, or if he to whom one taken is given, then let him go, or conceal the theft, let him pay for the thief according to his *Were*.† If he be an ealdorman let him forfeit his *shire*, unless the King is willing to be merciful to him."

Of going from his lord without leave.

"39.—If any one go from his lord without leave, or steal himself away into another *shire*, and he be discovered, let him go there where he before was, and give to his lord sixty shillings."

Kilburne, one of the most correct of our Kentish topographers, calls these Laws "Tracts," as we find in the following passage:—

"Some chronologers affirm that King Alfred divided this nation, and among the rest this part thereof [Kent] into shires, counties, or provinces; but that is controverted by others, and alleged that it was so divided shortly after the inhabiting of this island; and in the tracts of the time of King Ina (which was above 180 years before King Alfred) there is mention of shires, and so that of King Alfred may (as to this p. 7.

* Ina was the king whose kinsman Mull and twelve others were burnt to death by the Kentish men A.D. 687, and Ina's first expedition was against Kent. Withred ruled over it at the time, and purchased a peace; three different sums are named by three different historians.

† "Every man was valued at a certain sum, which was called his *Were*. The *Were* was therefore the penalty by which his safety was guarded and his crimes prevented or punished."—*Bosworth*.

The World of Kent

- II. purpose to be only some *plausible* description of the former division : and for this country is apparent by what is before : that the same was a distinct province many hundred years before King Alfred was born, but his subdividing the same into hundreds, and then into boroughs or tithings, is not denied."

I will close this portion of the chapter which relates to the precise period when Kent was really formed into a shire or county, and which is likely to remain for ever unascertained, with the following able and judicious remarks from the pen of the late Mr. Kemble, in all of which I entirely concur.

Eng- "It is a common saying, that we owe the institution of shire, tithing,
L, and hundred divisions, to Alfred. Stated in so broad a manner as this, I am compelled to deny the assertion. No one can contemplate the life and acts of that great prince and accomplished man without being filled with admiration and respect for his personal energy, his moral and enlightened policy, and the sound legislative as well as administrative principles on which he acted. But we must nevertheless not in the nineteenth century allow ourselves to be blinded by the passions and prejudices which ruled in the twelfth. The people, oppressed by foreign power, no doubt, long looked back with an affectionate regret to the memory of "England's darling;" he was the hero of a suffering nation : his activity and fortune had once cleared the land of Norman tyranny : his arm had smitten the forefathers of those whose iron yoke now weighed on England : he was the reputed author of those laws, which, under the amended and extended form enacted by the Confessor, were now claimed by the English people from their foreign kings : he was, in a word, the representative, and, as it were, very incarnation of English nationality. We may smile at, but must yet respect, the feeling which made him also the representative of every good thing, which connected every institution or custom that his suffering countrymen regretted, with his time-hallowed name. It is unnecessary to detail the many ways in which this traditional character of Alfred continually re-appears : the object of these remarks is merely to point out that the attribution to him of the system of tithings, hundreds, and the like, is one of many groundless assertions connected with his name. Not one word in corroboration of it is to be found in Asser or any other contemporaneous authority : and there is abundant evidence that the system existed long before he was born, not only in other German lands, but even among ourselves. Still, I am unwilling to incur the responsibility of declaring the tradition absolutely without foundation : on the contrary, it seems probable that Alfred may have found it necessary, after the dreadful confusion and devastation of the Danish wars, to make a new muster or regulation of the tithings, nay, even to cause in some districts a new territorial division to be established upon the old principle."

I will merely add to what has been thus so well expressed by Mr. Kemble, that the limits of most of the different

Kingdoms often underwent material changes, but not so with Kent. Constituting, as it did for nearly three centuries, a single Kingdom, with the sea, rivers, and the great forests for its boundaries, may we not conclude that when it ceased to be a Kingdom and succumbed to the victorious Edgar (A.D. 828) there were no material alterations made in its boundaries; and that it so continued until the time of Alfred, ruled over by Kings, sometimes "*de facto, sed non de jure*;" and that a crude system of government was carried on during this period, which the master-mind of Alfred reduced into a more perfect symmetry; but that even he did not complete it. How could it be otherwise, when the Danes were in settled possession of extensive portions of his Kingdom? and we find his biographer, Asser, recording that "A.D. 884 Alfred had led his fleet full of fighting men out of Kent into the country of the East Angles for the sake of plunder,"* showing that an independent state existed there under the Danes.

The word "Shire" is Saxon. "Scir—Scyr, a county, Bosworth. province, district." "County," however, is derived from the French. It contains a circuit or portion of the realm into which the whole land is divided for its better government and the more easy administration of justice; so that there is no part of England that is not within some one of its counties. Fortescue, c. 24.

At the commencement of Chapter VIII. I have enumerated the Kings who reigned over Kent between Ethelbert and Egbert, and I have stated that Edric succeeded Lothere. Bede says, on Lothere's death Kings of a doubtful title, or foreigners, for some time wasted Kent until Withred became settled on the throne. I have associated Swabert with Withred because he for a time shared the kingdom with him, and at his death Withred reigned alone and called the famous council of Beccancelde (now Bapchild, near Sittingbourne). We have seen that the dethroned Kings c. 26.

* "All traces of the Heptarchy, or ancient division of England into Provinces, did not entirely disappear until some years after the Norman conquest."—*Dr. Giles's note on the Life of Alfred*, p. 64.

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were sometimes permitted to hold the Kingdom as viceroys under their conquerors, retaining their nobility and perhaps their influence in a subordinate office. They and their successors were styled the Earldormen or Dukes, the most ancient title of nobility, so ancient that, according to Blackstone, its original cannot be traced out; and Dugdale says there is no other title of honour used by our present nobility that was likewise used by the Saxons.

Mr. Thorpe thus speaks of the office and title:—

“EALDORMAN—*Aldormannus*.—Originally a dignity of the highest rank, both hereditary and official; nearly synonymous with that of King. In the Sax. Chron. Cerdic, founder of the Kingdom of Wessex, and his son Cynric are denominated Aldormen. They were also Governors of Provinces, and in that capacity presided in the Hundred Court. After the breaking up of the Heptarchy we find them under the supremacy of Wessex occupying the place of Kings in the conquered kingdoms of Mercia and East Anglia. In the latter days of Anglo-Saxon sovereignty the dignity of ‘Ealdorman’ seems to have rapidly descended, their functions being either suppressed or exercised by officials under other denominations.”

Blackstone says the word “Ealdorman” signifies the same as the Senior or Senator among the Romans. They were also called Schiremen, because they each of them had the civil government of a division or shire. On the irruption of the Danes they were called “Eorles,” conveying, according to their language, the same meaning. In Latin they were called Comites.

Though the laws of our other Saxon monarchs refer to this office, no mention is made of it in the laws of the Kentish kings; probably this arose from the circumstance that the little kingdoms into which Kent was divided supplied the necessary machinery for doing justice without the establishment of ealdormen, which induces Mr. Kemble to think that Kent had no such officers at the commencement of the eighth century. The Ealdormen of Kent referred to in the Saxon Chronicle previous to this period he considers were merely princes in a general sense.*

Harris, however, says the rank was conferred on Hengist

Saxons in
England,
Vol. II., p. 132.

p. 415.

* It is in this general sense of a ruler that we read of the “Dukos of Edom” in Genesis xxxvi.

before he seized on the kingdom : this of course must be merely conjectural. He then names Oswulf who, about the year 840, in Archbishop Ceolnoth's time, was styled Prince and Duke of the province of East Kent.

Hasted does not refer to either Hengist or Oswulf, but says the first earl he has seen any mention of was Ealhere, who had also the title of Duke from being entrusted with the military power of the county. He lost his life in the field of battle in the Isle of Thanet.

Ceolmund was created Earl of Kent by King Alfred, but we have no record of any subsequent appointment in Kent for more than a century.

The internal regulation of the shire, as well as its political relation to the whole kingdom, were committed to the immediate supervision of the ealdorman or duke, who was appointed by the crown, with the assent of the Witenagemot. It was of course of great importance, especially in those disturbed times, to place at the head of the shire one of the most highly connected, powerful, and wealthy of its nobles.

We find in the ninth century (says Kemble) Oswulf, Ealdorman of East Kent, calling himself "*Dei gratia* *Ib.*, p. 149. *dux*;" and Sigiwulf and Sigihelm, who appear in the ninth century also among the dukes of Kent, were very probably descendants of Sigered, a king of that province. Whether the office was hereditary and held for life, or only during good behaviour, appears to be doubtful. It was most probably a life appointment, but no strict rules were likely to be observed in those unsettled times.

The next officer of importance was the *Scirgerifa*, the Reeve of the Shire.* He was sometimes called *Escaetor Regis*, the King's Receiver; as well as *Quastor Provincia*, the King's Farmer, because he received all rents and forfeitures due to the King. Though second in importance in the shire, the office was usually held by men of high rank, and oftentimes more than one county was committed to

* "The exact meaning and etymology of this name have hitherto eluded the researches of our best scholars."—*Kemble*.

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Saxons in Eng-
land, p. 158.

It. 165.

Codex, 1288.

their charge. It was originally a life appointment; he had charge of the county and the castles, etc., in it belonging to the Sovereign, and provided the shire with ammunition. He was often called Scirman. He was the holder of the Scirgemot, folcmot, or county court. As the Ealdorman was supposed to be the King's officer, so the Gerefafa was considered the people's officer, the chief of the freemen in the shire; he had to promulgate the laws enacted by the King and his witenagemot, and this was solemnly done in Kent in the county court at Penenden Heath. He had a concurrent jurisdiction with the Ealdorman on the one hand and the Bishop on the other. The Ealdorman would not sit in judgment in the folcmot without the Sheriff, but there is evidence that the Sheriff sat without the Ealdorman. He was not the Ealdorman's deputy, though subsequently called *vice-comes*. He was the leader of the Militia, the *posse comitatus*, or levy of freemen who served under his banner. The dependants of the lords, bishops, and abbots, all served under their respective leaders, and were united under the chief command of the Ealdorman or Duke. The Sheriff had also the superintendence of the mint and coinage. Mr. Kemble is of opinion that originally the office was elective, but that under the consolidated monarchy the Sheriff was nominated by the King, and that the expression "*our* Reeves," where none but the Sheriffs are intended, clearly shows in what relation these officers stood to the King. There were other gerefafas appointed for cities, towns, and ports, as well as the *Swan gerefafa*, the reeve of that forest court which, till a late period, was known in England as the Swain-moot.

Our Kentish historians do not furnish us with the names of any sheriffs of Kent before the time of Edward the Confessor, when Oswald, or Osweard, who had great possessions in the county, held the office; but in Mr. Kemble's Codex will be found the names of six other Saxon and Danish Gerefafas, including Wulfsize, a priest, who was Sheriff of Kent in the reign of Ethelred the Second, towards the close of the tenth century, contrary

to the provision of "Egbert's Penitential," which says that a priest or deacon ought not to be a gerefa or wicnere [one who has the care of a wic, a steward], or to have any concern with secular business. CHAP. XII.

Thus much of the shire and its chief officers. We will in the next chapter speak of its division into East and West Kent, and into lathes, hundreds, and boroughs ; and of the officers of the county connected with these divisions and subdivisions.

CHAPTER XIII.

THE CIVIL AND ECCLESIASTICAL DIVISION OF KENT,
CONTINUED.CHAP. XIII.
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THE first in point of order and importance, and I believe the most ancient division of the original Kingdom, was into East and West Kent; the Weald extending over parts of both.

From the landing of St. Augustine until the death of Alfred, a period of three hundred years, the civil and the ecclesiastical jurisdiction were united, and it would perhaps have been better for the Church and its clergy if they had never been severed by the Normans, as a power at times antagonistic and defiant to both King and people arose from it.

In speaking, therefore, of this first division I propose for the moment to blend the civil with the ecclesiastical history of Kent.

Lambarde in his *Perambulation* (but only as a matter of convenience) adopts the ecclesiastical division of Canterbury and Rochester in preference to that of East and West Kent, and that of the Watling Street Road; but neither he nor any of our Kentish historians, I believe, attempt to point to the time when the division between East and West Kent took place.

Harris merely says, "The first and most eminent and usual division of this county is into East and West Kent."

Hasted, equally brief, says, "The county has been for

some time separated into two districts, usually called East and West Kent, which nearly divide it [in 1778] into equal parts."

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For the original division (since materially altered for civil purposes) we must, I submit, look to the introduction of Christianity. For though Ethelbert was permitted by his father Hermenric to share the Kingdom with him before he became sole monarch, we find no previous *joint* holding of it, as we do in subsequent reigns.

Pope Gregory sent a Pall* to St. Augustine, A.D. 601, and with it a great many religious teachers to assist him; and only three years afterwards Ethelbert gave the See of Rochester (the smallest of the English Sees) to Justus, and the same year he gave the See of London to Mellitus. These three Sees, adjoining each other, have so continued without any material change until the present century. The unusual course of creating two Sees in one Kingdom probably gave rise to the old proverb, "Kent and Christendom;" not, as Mr. Kilburne naively says, "that Kent was conceived distinct from Christendom, but that it was famous as Kent, and famous as Christendom."

In England Christianity commenced not as it did in the days of its Divine Founder, but in the courts and households of kings. The conversion of the king was generally followed by the establishment of a see, the Christian prelate supplying the place in the Octarchy of the Pagan High Priest, who may be presumed to have occupied a similar position. Considerations of personal dignity not less than policy may have led to this result. The lurking remains of heathen superstition may not have been without their weight. Whatever may have been the cause, we find at first a bishopric co-extensive with a kingdom; and Mr. Kemble tells us that Kent is probably only an *apparent* exception, as Rochester can hardly have been otherwise than the capital of a subordinate kingdom. South

Saxons in
England,
Vol. II., p. 361.

* "A pontifical ensign, made of lambs' wool, with crosses of black pinned on the shoulders and hung down on the breast."—*Harris's Kent*, p. 499, where will be found a more full description.

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Pearson's Hist.
Maps of Eng-
land, p. 49.

Scotland under
her early
Kings, p. 18.

p. 91.

of the Humber, the first bishops' sees generally correspond to the earliest known kingdoms. Thus Canterbury and Rochester to East and West Kent, Selsey to the South Saxons, Winchester to the West Saxons. Mr. Robertson remarks that this was also the practice in Scotland, where the Angles habitually consolidated their conquests by establishing a bishopric or monastery. "The kings of Kent," says William of Malmesbury, "had dominion peculiarly in Kent, in which are two sees, the Archbishopric of Canterbury and the Bishopric of Rochester."

I can come to no other conclusion than that the division between East and West Kent was originally purely an ecclesiastical one, and that the see of Rochester was carved out from the western division of the kingdom by Saint Augustine, with the sanction of King Ethelbert. This theory is supported by the fact that until a very recent period the whole of the little diocese of Rochester was situate in West Kent, while the Archiepiscopate extended not only over the whole of East Kent but into considerable portions of the district now included in West Kent. That such an ecclesiastical division was not an equal one, but differed from the civil division between East and West Kent published by Kilburne in 1659 and still recognized, is not surprising. The possessions of the Metropolitan were naturally the most important and extensive, and they spread over the still unreclaimed forest and other portions of the kingdom of Kent now constituting parts of the Western division; and where these possessions existed there he would exercise ecclesiastical jurisdiction. In addition to this, the patronage of the see of Rochester was originally wholly annexed to the see of Canterbury. The names of our early Saxon divisions, civil as well as ecclesiastical, were no doubt known to our Norman chroniclers; but, whether from policy or dislike to anything Saxon, they passed them over in silence; and when they had occasion to refer to them they used the more modern names which they still bear.

Hasted,
Vol. II., p. 31.

Briefly pursuing the ecclesiastical history of Kent

during the 800 years which elapsed between the arrival of St. Augustine and the death of Alfred, we find the sees of Canterbury and Rochester frequently vacant—the latter perhaps more so than the former—arising from the disturbed state of the kingdom, the havoc from time to time made of the city and church, and the poverty of the diocese.

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Eadbald, the son of Ethelbert, the first Kentish Christian King, forsook the adopted religion of his father; and Justus, the first bishop of Rochester and companion of St. Augustine, was driven from his See, though afterwards re-instated, the monarch having returned to Christianity before his death. Paulinus (afterwards canonized) and Tobias were two of the most eminent of the first twenty bishops who held this See; while of the nineteen archbishops who lived during the same period, Honorius, Theodore, Cuthbert, and Plegmund, may be classed among the most renowned.

We will not stop here to inquire whether during the seventh century Honorius or Theodore first divided England into parishes (bearing in mind that a parish anciently signified what we now call a diocese). As two Sees at this time existed in Kent, some classification and division of labour was necessary, and was no doubt partially effected by Honorius and Theodore. The ecclesiastical, like the civil division of England, was not, however, the result of the labour of one mind or one age. "England was not modelled in a week from the brain of an Abbé Siéyès, but exhibits in its irregular growth the various influences and ideas of different centuries."

Pearson's Hist.
Maps of Eng.,
p. 53.

Cuthbert, who came to the See of Canterbury about the middle of the eighth century, has the reputation of obtaining the first dispensation for making cemeteries or churchyards, and introducing burials into cities and towns. The Romans, and before them the Grecians, prohibited this practice, and the wisdom of such prohibition is at last recognized. Plegmund was archbishop during the reign of Alfred; he was a learned man, and became one of the counsellors of that monarch.

Weever, p. 214.

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Sax. in Eng.
Vol. I., p. 148.

We have seen that East and West Kent were often ruled over by two Kings, and generally by two bishops, but Mr. Kemble even suggests that a third Kentish state existed; for he says, at a somewhat later period we find a Duchy of the Merseware, or inhabitants of Romney Marsh. The distinction between the "East and West Kentings" appears to have been preserved till the very downfall of the Saxon monarchy. We have seen Kings of Kent reigning together; and Sigiræd calls himself "King of half Kent;" and afterwards, when Alfred alone reigned over the whole shire, Swithulf, bishop of Rochester, is appointed "one of the guardians of the Western parts of Kent," to defend it against the Danes; he died of the plague which raged at this period.*

For the reasons already given I think I am justified in concluding that the ecclesiastical division between East and West Kent preceded the civil, though they afterwards became interwoven; and, as I have already remarked, it is more than doubtful whether the separation afterwards effected by the Normans was an improvement on the Saxon system.

Laths.

Next in order is the division of the shire into laths, a division peculiar to Kent, the name not being known in any other county; but a similar division is called a rape in Sussex, a riding in Yorkshire, and a part in Lincolnshire. In Surrey they have neither laths nor rapes, but only hundreds. Middlesex also was divided into hundreds only.

Lambarde says "these shires he [Alfred] also brake

* The Anglo-Saxon Chronicle gives this record of it, A.D. 897:—"After this, in the summer of this year, the Army broke up, some for East Anglia, some for North-humbria; and they who were moneyless procured themselves ships there, and went southwards over sea to the Seine. Thanks be to God, the Army had not utterly broken down the English nation; but during the three years it was much more broken down by the mortality among cattle and among men, and most of all by this, that many of the most eminent King's thanes in the land died during the three years; some of whom were, Swithulf, bishop of Rochester, and Ceolmund, ealdorman of Kent, and Bertulf, ealdorman of Essex, and Wulfred, ealdorman of Hampshire, and Ealhard, bishop of Dorchester, and Eadulf, the King's thane in Sussex, and Bernwulf, the governor of Winchester, and Eadulf, the King's horse-thane, and many also besides these, though I have named the most distinguished."

into smaller parts, whereof some were called laths, of the word *gelathean*, which is to assemble together." CHAP. XIII.

"*LÆSTUM*, Sax., *Laethe* and *Laeth*. Lat., *Leda* and *trithinga*. Ang., Lath, a great portion of a county sometimes containing three or more hundreds, subject to its own magistrate, who was called *Lathreeve*." Spelman's Gloss.

"*Læthe*—Lath, district, or division, peculiar to Kent."

Bosworth.

All our Kentish historians say these laths were *five* in number: it is, however, certain, from Domesday, there were *seven* in Anglo-Saxon times,* viz.:—1. Lest de Borowart; 2. Lest de Estrei; 3. Lest de Limowart; 4. Lest de Wiwart; 5. Lest de Middeltun; 6. Lest de Sudtone; and the seventh and last, Lest de Elesford.

Of these seven Saxon laths five derived their names from places situate in East Kent, and only two from places in West Kent. I will speak first of Sutton-at-Hone and Aylesford, which, at the time of the great survey, were modern places when compared with the East Kent laths. All our historians pass over Sutton-at-Hone very briefly, and say it was *once* either so eminent or considerable as to give the name to the whole lath. It is supposed to have derived its name of Sutton from its situation south of Dartford, to which was added "at-Hone," from lying low in the valley. Aylesford, spelt in almost as many different ways as there are letters in the word, appears to have been of more importance than Sutton; for here tradition says that about A.D. 454 a bloody battle took place between the Britons and Saxons, when Catigern, the British general, fought hand to hand with Horsa, the Saxon general; each killed the other, and the Saxons were routed. Alfred also obtained a victory here over the Danes A.D. 898; and Edmund Ironside would have done the same had it not been for the supposed treachery of Edric of Mercia, of whom we shall have occasion shortly to speak.

* "The Lest, Last, or Lath, is stated in the Laws of Edward the Confessor to have been the same with the riding. It could not, however, have comprised the third of the shire, as in Kent, the only county in which it is named, no less than seven distinct laths occur."—Sir Henry Ellis's *Introd. to Domesday*. They are nearly all written differently in different parts of Domesday.

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But though Aylesford with its lath can boast of its Saxon origin and valour, and was held by Saxon kings, the five laths in *East Kent* can trace, if not their names, their antiquity, to the time of the Romans.

Hasted,
Vol. IV. p. 216.

At page 76 of this work I have referred to an Anglo-Saxon charter, in which Wye is described as a "Royal" Vill; and after further research I am induced to believe that "royal" was prefixed to the vill of Wye when that charter was granted (A.D. 762), from the circumstance that it was one of the "Villæ Regales," or "Regiæ" of the Saxons, as Bede calls them, and was *thus* distinguished by them because on or near the site of this and other royal villas Roman stations formerly stood.* Thus, in addition to the Lath of Wye and its royal vill, we have the Lath of Eastry, also a royal vill held by Egbert A.D. 670; the Lath of Milton, also a royal vill held by King Alfred; the Lath of Borowart, the Lath of the royal borough of Canterbury (for every city was also a borough); and the Lath of Limen [the Roman Portus Lemanis.]

Hundreds.

These Laths were divided into Hundreds.† The division of the Hundred has been variously accounted for by our antiquarians and historians. Lambarde and Spelman think it is to be understood of a hundred men. Brompton that it comprised a hundred villages. The origin of the Hundred is usually ascribed to King Alfred, though we find it among the oldest of the Saxon Institutions on the Continent.

Thorpe's
Gloss. to Ang.-
Sax. Laws.

"Hundred, a sub-division of the County, the nature of which is not known with certainty. In the *Dialogus de Scaccario* it is said, 'The Hundred consists of some centenaries of hides, not, however, of any determinate number, for one consists of more and another of fewer.' Some accounts make it consist of precisely a hundred hides, others, of a hundred tithings, or of a hundred free families. Certain it is that

The Celt,
Roman, and
Saxon, p. 443.

Matt. West-
mead, A. 596.

* "The Roman towns were rarely destroyed. The destruction of Andredesceaster in 491 is spoken of in the *Saxon Chronicle* as though it were a remarkable occurrence." Canterbury was one of these *villæ regiæ*, and was the chief city of the Saxon Kingdom of Kent. Ethelbert had a residence there which he relinquished in favour of St. Augustine, and retired to Reculver. It was even called *the head of the Empire*.

† The Laths were next divided into Bailiwicks, of which Kilburne gives a minute account; but this division could not I think have taken place at this early period of our history.

whatever may have been its original organization, the Hundred, at the period when it became known to us, differed greatly as to extent in the several parts of England. * * In the Capitularies of Charlemagne we meet with it in the form known among us."

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"To Alfred's claim as the author of this division in England it may be objected that the 'Hundred' is named in the Penitential of Eogbert; this objection, however, is not fatal."

But few additions, says the late Mr. Larking, can be made to the volumes that have been written on the subject of Hundreds, all, however, ending in little more than conjecture.

Note 48,
Domesday of
Kent.

The Centenary or Hundredor was afterwards termed the Custos præfectus, or prepositus de Hundred.

The wapentake in the northern counties was synonymous with the hundred, and is so in the counties of York, Nottingham, and Lincoln, to this day. The best explanation of the wapentake is given in a subsequent law of Edward the Confessor, thus:—

Wapentake.

"That which others call a hundred the above-named counties [enumerating them] call a wapentake, and that not without reason; for when any one accepts the government of the wapentake, on the day appointed all the elders assembled to meet him, and descending from his horse, they all rose up to meet him, and he lifted up his lance on high, and they all with their own lances touched his spear and thus bound themselves to obey him."

CXXX.

That the word wapentake was one of the earliest terms used by the Saxons in this country for a district seems more than probable. It may be traced among the more ancient tribes of the North, and implied the manner in which decrees were passed by the people at large by the clashing of their arms.

Sir H. Ellis'
Introd. to
Domesday.

The next and last civil division in Kent was the borough or tun, toun, or township. The borough in Kent,* and tithing in other counties, was one and the same thing. It was composed of ten freemen or heads of families, who were mutually "burh," or sureties for each other. The head or chief was called the burh-ealdor, head-borough, or bors-

Borough.

* 'Borowe' and 'Towne' were synonymous in Kent. In a subsidy roll as late as the reign of Elizabeth, either the one or the other is used. Parish is only used once—"The parish of Ashe [next Sandwich] with the borowe Widerton."

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holder; denominated in other counties, from the district over which he presides, the tithing man: ten of these boroughs or tithings constituted originally the hundred.

In the Laws of Edward the Confessor, we find that the Witan appointed conservators of the peace over every ten, who adjudicated between their neighbours, and according to the offences imposed compensations and satisfactions; and the more difficult causes were reserved for the decision of the Hundred.

Lambarde, after referring to the "breaking of the shires into smaller parts," including Laths and Hundreds, next mentions Tithings, "so named because there were in each of them to the number of ten persons, whereof each one was surety and pledge for the others' good bearing." But in explaining a Tithing it suddenly occurs to him that the term is not applicable to Kent, and he quaintly proceeds:—

"Lest I might seem to have forgotten the shire that I have presently in hand, it is to be noted, that that which in the West country was at that time (and yet is) called a tithing, is in Kent termed a borough, of the Saxon word 'borh,' which signifieth a pledge, or a surety: and the chief of these pledges, which the westernmen called a tithing-man, they of Kent name a boraholder, of the Saxon words 'borher-ealdor,' that is to say the most ancient, or elder of the pledges."

Philipott says, "These hundreds were parceled out in such a proportion or number of boroughs, villages, or tithings, containing ten householders."

Harris merely says, "Under the hundreds there were tithings."

While Hasted gives only a *modern* account of this subdivision of the county, and speaks of *parishes*, *vills*, *boroughs*, and *hamlets*.

Thus there appears as much obscurity in the subdivision of the hundred, in the time of Alfred, as in the definition of the hundred itself. This is not surprising, looking at the unsettled state of the country when the clergy (the framers and expounders of the laws), had been murdered or were outcasts, the depositaries of these laws had been burnt or sacked, and different parts of the kingdom continued governed by different codes of laws.

But villas and hamlets were necessarily connected with the division of the hundreds into boroughs and tithings, and I must not pass them over. CHAP. XIII.
Vills.

It is of consequence to observe that *vill* is derived directly from the Latin word *villa*, and does not come to us from the Anglo-Norman *ville*, as is often erroneously supposed; indeed, there is good ground for believing that for all civil purposes, the original extramural allotment of Kent by the Romans was into villas, and that this division was in use by the Saxons. Faversham was one of these villas, and remained in the possession of the crown at the conquest.

Villa has been used in various ways at different periods of our history.

"Villa, a mansion-house, out of a city or town, properly having a farm-house or homestall belonging to it." Ainsworth.

Spelman says the Anglo-Saxons appear originally to have used the word in the same sense as the Romans, namely, to designate any one's landed estate in the country with suitable buildings for storing the crops. Not on account of the erection of many houses, which would rather be found in towns; but which houses have, however, been more recently introduced until they became villages. He also states that, as among the Romans there were two kinds of villas—the one urban, which the master or owner superintended by his servants or slaves, and the other rustic, which they let to farmers to cultivate,* so the Anglo-Saxons appear to have divided their villas, retaining part and letting off other portions.

I have already referred to some of the Roman and Saxon Villas in Kent.† I will now briefly notice a few which have preserved their names, while all the remainder have become merged in the boroughs, townships, and hundreds of the county, and blended at a later period into

* Spelman refers to a charter in the reign of Richard II., to show that the distinction of mural and rural villas was kept up in that reign.

† King Alfred by will gave to his *eldest* daughter his *Vill* at Wellow, and to the *middlemost*, that at Clere and at Candever.

Diplomatarium, p. 488.

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parishes. They are, of course, places of great antiquity. Thus, we have in East Kent the Vill of Christ Church, Canterbury—a mural and ecclesiastical vill; and the Vill of St. Gregory, another ecclesiastical vill without the walls of Canterbury. Besides these and others, we have the Vill of Brasted in West Kent, on the confines of Surrey, situate partly in the Weald.

Ante, pp. 61,
76.

But I must not pass over the ancient and royal forest of Blean, near Canterbury, already referred to at the close of Chap. X. For centuries it was allowed to continue the abode of outlaws and smugglers, notwithstanding the restrictions which the wisdom and policy of the Anglo-Saxon monarchs had provided, in their subdivisions of the shire, for the maintenance of peace and good government. It is referred to (as we have seen) in the Saxon Charters, and is always called a royal forest or wood. As late as the reign of Henry VI. wild boars were hunted in it. In the reign of Elizabeth a patent was subsisting, granted by the crown, of the office of keeper of the Blean. The different kings, however, before and after the Conquest, from time to time parcelled it out, until at last nearly the whole of it got into the possession of the See of Canterbury and the religious houses connected with that city. It thus lost all the privileges of a forest, and it so continued after the Reformation. Though almost under the shadow of this cathedral, its inhabitants were destitute of spiritual instruction, its roads almost impassable,* and so it continued, a constant and fruitful source of litigation. It acquired the name of Dunkirk,† from the smugglers who took up their abode there, and by this name it was at last formed into a Vill for civil purposes; but the spiritual wants of the locality were wholly neg-

Twyne de
Rebus Albion,
p. 101.

* "The Sheriff of Kent in the reign of Charles I. levied in excess the sum of £200 for ship-money from the proprietors of land who had resisted the payment, which the Lords of the Privy Council ordered to be expended by the Justices for the benefit of the county, and they laid it out in the repair of the highways in this district."—*Hasted*.

† A sea port in France (Dunkerque) taken from the Spaniards by the English, and sold to the French by Charles II. It was declared a free port towards the close of the last century.

lected, until the Courtenay or Tom riot which occurred in the district and ended with the loss of life, in May, 1898, called public attention to the subject. CHAP. XIII.

The vill, we have seen, was of Roman origin, while the hamlet is Saxon, from "*ham*,"* a house or dwelling, and the German "*let*," a member—signifying a little village, or part of a village. Hamlet.

"HAM, HAAM (m.), home," says Mr. Kemble, "is extremely common in the local names of modern Germany. In England, on the contrary, the names of places compounded with hām are not nearly so numerous as those formed with tūn. We may perhaps find in this, evidence of an early change having taken place in the principles of settlement: the village generally may have become of secondary importance, compared with the clearings and possessions of single landholders, before the names compounded with tūn became so generally multiplied. For hām is, nevertheless, the most sacred, the most intimately felt of all the words by which the dwellings of men are distinguished. * * * In this sense it is the general assemblage of the dwellings in each particular district, to which the arable land and pasture land were appurtenant, the home of all the settlers in a separate and well defined locality, the collection of the houses of the freemen. Whenever we can assure ourselves that the vowel is long, we may be certain that the name implies such a village or community." Codex,
Vol. III. Glos.

Spelman says hamlet is more properly *part of another village* than a small village standing alone. The word, he says, was in his day obsolete in either sense. But the extent of its meaning may be well gathered from the statute of Exeter, 14 Ed. I.: "The names of all the vills and hamlets which are in his wapentake, hundred, or franchise." And further on, "which is ordered to appear before them, each entire vill eight men, and a half vill six men, and the hamlet four men, of the wisest and most loyal, as well as the heads of the vill, half vill, and hamlets before named." "But the question," Spelman continues, "often arises, what was a complete vill, and what a half? and as far as I know it has not been defined, neither do I think it can be easily conjectured; but I should say an entire vill consisted of a complete friborg,†

* "In Kent there are 49 parishes with names terminating in 'ham.'" —*Kilburne*.

† The friborgs were societies, the frithburghers were the members of them, who were anciently required as principal pledges or sureties for

CHAP. XIII.

i. e., one containing at least ten chief sureties ; that a half vill chiefly embraced a half, or less than a whole friborg ; and that a hamlet did not comprise half a friborg, that is, five chief pledges or sureties could not be found in it."* I cannot better illustrate the meaning of the word hamlet than by referring to the Queen's town of Maidstone. Within its ecclesiastical or parochial boundaries there is a well-known hamlet called "the hamlet of Loddington," situate about five miles from the church ; containing 567 acres and about twelve houses ; it is the only part of Maidstone lying within the Weald of Kent. This hamlet has been from time immemorial treated as part of the Weald, and consequently the woodland in it is exempt from tithe ; while the remainder of the woodland in Maidstone is subject to such tithe.

Town.

I will next notice the tun, town, or township.

Bosworth.

"TUN is a Saxon word : (1) a close, field, a dwelling with the enclosed land about it ; (2) a dwelling house, mansion, yard, farm, many dwellings, within the enclosure ; (3) a village, town, the territory lying within the boundary of a town."

Kemble's
Codex,
Vol. III. Gloss.

"TUN, a hedge ; denoting not so much that which surrounds as that which is surrounded—not the hedge, but that which is enclosed by it. But its more usual though restricted sense is that of a dwelling, a home-stead, the house and inland ; all in short that is surrounded and bounded by a hedge or fence. It is thus capable of being used to express what we mean by the word *town*, viz., a large collection of dwellings, or like the Scottish *toun*, even a solitary farm house. It is very remarkable that the largest proportion of the names of places among the Anglo-Saxons should have been formed with this word, while on the Continent of Europe it is never used for such a purpose. Dr. Leo computes the proportion of local names compounded with *tūn* at one eighth of the whole number, proving that enclosures were as much favoured by the Anglo-Saxons as they were avoided by the Germans."

Thorpe's Gloss.
Ancient Laws
and Institutes
of England,
Vol. II.

"TUN—*villa*—originally a plot of ground enclosed with a hedge (Ger. *zaun*), it came afterwards to signify a dwelling with the land enclosed about it, then many dwellings within the enclosure, till it became what we now denominate a *town*."

their neighbours ; but this law did not extend to the great ecclesiastics and laity, who were a sufficient pledge for themselves and their dependants.

* The late Lord Kenyon in the case of *R. v. Morris* (4 Durn. and East, p. 552), held that vill and hamlet are now in common acceptance used as synonymous terms.

Kilburn furnishes the names of fifty-three parishes in Kent with the termination of "ton." CHAP. XIII.

Modern Anglo-Saxon writers (including Mr. Kemble) imagine that these original subdivisions must have been numerical, or according to the heads of families, from the circumstance of the great irregularity in their size and number throughout each Saxon Kingdom, and because as late as the tenth century we find the citizens of London distributing themselves into *frith-gylds*, or associations for the maintenance of the peace, each consisting of ten men, while ten such gylds were gathered into a hundred, or ten tithings;* still they admit that this *numerical division* could not long exist, and that in process of time these divisions became territorial; indeed no division founded on numbers could long continue, especially in a wild district like the Weald, containing at this period of our history a very thin and scattered population, while we have already seen how stationary the *land division* can remain for ages.

The object of these boroughs, gylds, or tithings Mr. Kemble thus explains:—

"That each man should be in pledge or surety (*bock*) as well to his fellow-man as to the state for the maintenance of the public peace: that he should enjoy protection for life, honour, and property himself, and be compelled to respect the life, honour, and property of others: that he should have a fixed and settled dwelling where he could be found when required, where the public dues could be levied, and the public services demanded of him: lastly, that if guilty of actions that compromised the public weal or trespassed upon the rights and wellbeing of others, there might be persons especially appointed to bring him to justice; and if injured by others, supporters to pursue his claim and exact compensation for his wrong. All these points seem to have been very well secured by the establishment of the tithings [boroughs in Kent], to whom the community looked as responsible for the conduct of every individual comprised within them; and coupled with the family obligations which still remained in force in particular cases, they amply answered the purpose of a mutual guarantee between all classes of men." Vol. I., p. 251.

Thus, alike from our vills, hamlets, and towns, a population sprang up, which was cast first into boroughs in

* "In the north of England the word '*tenmantale*,' the tale or court of ten men, was substituted for tithing."—*Kemble*.

CHAP. XIII. Kent (tithings elsewhere), then into hundreds, next into laths (peculiar to Kent), and thus united, constituted the shire for all civil or municipal purposes; while the ecclesiastical division of Kent consisted of the metropolitan see of Canterbury and the diocese of Rochester.

It may be here mentioned that the Anglo-Saxon Archbishops were in the habit of appointing a suffragan bishop, or *chorepiscopus*, as their assistant, while they were in attendance on the King, &c., often with the nominal *foreign* title of bishop.* Eadsin and Godwin, who so acted in the eleventh century, were, however, styled bishops of St. Martin, from the Church at Canterbury.

Sax. in Eng.,
Vol. II., p. 177.

We have referred to the scirgerefa or sheriff, and the swangerefa who ruled over the shire and the forest. There were also the burhgerefa, the portgerefa, the wicgerefa, and the tungerefa, who ruled over their respective districts and acted also as stewards. In the ecclesiastical vill or precincts, there was found a bisceopes gerefa, performing such functions for the prelates as the king's gerefas exercised for him; and whether in civil or ecclesiastical matters, these gerefas or reeves were all judges in various courts of greater or less importance. The gerefa in a wic, or royal vill, says Mr. Kemble, may easily have been a person of consideration if the Ethelnoth, who in 880 was reeve at Eastry, were such an one; as we find from his will, that he had no mean amount of property to dispose of.

It would be pure conjecture to say at what period, or during what intervals of Anglo-Saxon history, these different divisions and subdivisions were commenced and perfected, but if, as I imagine, there was no regular or complete civil division of Kent when St. Augustine landed, and the see of Rochester was afterwards carved out of Canter-

* In the reign of Henry VIII., an Act passed prohibiting the use of these foreign titles; certain English towns were substituted, including Dover; and the subsequent suffragan bishops to the see of Canterbury were styled bishops suffragan of Dover. These appointments ceased in the reign of Elizabeth.

bury, it is not unreasonable to conclude that our civil and ecclesiastical divisions were more alike than we afterwards find them. CHAP. XIII.
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In concluding this chapter, I will request the reader to bear in mind that the laws which existed in England in the tenth century were not the Saxon laws of Alfred alone. On the contrary, three distinct bodies of laws existed, namely, the Wessex law, the Mercian law, and the Dane law, each of which was supreme in one district only. Kent, Sussex, Surrey, Hants, and four or five other adjoining counties, were governed by Saxon laws. The Mercian laws were observed in the central part of the realm; and wherever the Danes, as in East Anglia, had firmly established themselves, they also promulgated their own laws.

"In this plight," says Lambarde, "both this shire of Kent, and all the residue of the shires of this realm, were found when William Duke of Normandy invaded the realm."

CHAPTER XIV.

ANGLO-SAXON HISTORY CONTINUED.—EDWARD THE
ELDER TO HAROLD.

CHAP. XIV.
A.D. 901 to 1066

HAVING thus given an outline of the civil and ecclesiastical division of Kent at the end of the reign of Alfred, who, as the Anglo-Saxon Chronicle significantly says, "was King over the whole English nation, *except* that part which was under the dominion of the Danes," we will proceed with our history, recounting the several important events connected with Kent, as they occurred, until the arrival of the Normans; with just such an outline of general history as is necessary to connect them together.

Edward the
Elder.

Alfred's eldest son Edward, called the Elder, who had distinguished himself by his victory over Hasten in the battle of Farnham, was, by the voice of the Witan (still exercised in the selection of a sovereign) called to the vacant throne; Ethelward, son of Alfred's elder brother Ethelbert, being again passed over.

Turner,
Vol. II., p. 170.

Edward the Elder executed with judicious vigour the military plans of his father, and not only secured the Anglo-Saxons from a Danish sovereignty, but even prepared the way for that destruction of the Anglo-Danish power which his descendants achieved. William of Malmesbury says that he was inferior to his father in literature, but his superior in war, glory, and power. Mr. Turner, however, considers this a mere oratorical flourish, and not an historical fact.

Edward was excommunicated by Pope Formosus for neglecting to appoint bishops in the West Saxon district. Archbishop Plegmund was despatched to Rome to make peace, and on his return he ordained *seven* bishops in one day at Canterbury.

CHAP. XIV.

William of Malmesbury, p. 128.

A.D. 909.

Athelstan.

Edward was succeeded by Athelstan, his eldest, and probably illegitimate son, who was elected by the Witan, "his father's will directing the choice of the approving nobles." He became a great favourite with his subjects, and Northumbria having fallen into his hands by the battle of Brunanburh, the subjugation of the Anglo-Danes was so decisive, that he has been styled by some writers the founder of the English monarchy. He also put the Britons of Cornwall and Wales under tribute. The memory of Athelstan is stained with the murder of his brother Edwin (the eldest legitimate son), whom he suspected of desiring to supplant him. It was in vain that Edwin assured his brother of his fidelity, even on oath. Athelstan commanded him and his armour-bearer to be sent out to sea in an old crazy boat without oars or rowers, when the prince in a paroxysm of despair cast himself into the ocean. Turner says the body was brought to shore between Dover and Whitsand. Lappenberg's narrative of the murder describes the armour-bearer as rescuing the corpse of his master, which, by rowing with his hands and feet, he brought to shore near Whitsand, on the coast of France.

Turner, Vol. II., p. 186.

Lappenberg, Vol. II., p. 111.

Passing over Kings Edmund the Elder, Edred, and Edwy, we come to the reign of Edgar (who shared the Kingdom with Edwy during the last three years of his reign, Edwy ruling only over the South), openly licentious, in spite of his zeal for the Church. He was "rather the King of a prosperous nation in a fortunate era, than a great prince." Archbishop Dunstan, one of the most conspicuous personages in Saxon history, flourished in his reign. Among Edgar's good qualities was his zeal for the faithful administration of the law; and he travelled through his Kingdom, and punished such of his ealdormen

A.D. 958 - Edgar.

- CHAP. XIV. as were guilty of delinquencies. An instance of his severity is recorded towards the inhabitants of the Isle of Thanet, whom he punished with the forfeiture of all their property, and some with the loss of life, for having made prisoners and plundered of their merchandize, some traders from York who had arrived in the Island.
- Lappsberg, Vol. II., p. 144. The Anglo-Saxon Chronicle thus records the event :—
- A. S. C., p. 384. "A. 968.—In this year Edgar ordered all Thanet-land to be ravaged."
- Laws of Edgar. He also enjoined the payment of dues to the Church, with a rigour scarcely credible. Whoever neglected to pay his tithes or church scot, forfeited nine-tenths of his tithable property; and the man who had not paid his hearth-money [Rom-feoh] on St. Peter's day, was adjudged to go to Rome and there pay it with a mulct, and another mulct to the King on his return; for the third offence he forfeited all his property.
- A. 975. Edward the Martyr, or the Second. At the death of Edgar, the succession was disputed between Edward his eldest son, and Ethelred, the son of Elfrida, his second wife. The recommendation of the late King, and the authority of Dunstan, determined the matter in favour of Edward, called the Martyr, or Edward the second of the Anglo-Saxon Kings; he reigned only three years, and was murdered by the command of his step-mother, Elfrida, while on a visit to her and in the act of raising the cup to his lips.
- A. 978. Ethelred the Second. Ethelred II., surnamed the Unready, succeeded him, and swarms of pirates continued to land on our Kentish shores, for the Anglo Saxon Chronicle records that
- "A. 980.—In this year was Thanet-land ravaged by a ship force, and the most part of the townsmen slain and led captive."
- A. S. C., A. 986. There was then a brief pause in the piratical attacks on the Kentish coast, though only as it would seem to give an opportunity for internal hostilities; for a dispute in which the Bishop of Rochester was concerned led Ethelred to lay siege to that city, which, being compelled to raise by the stout resistance offered by the inhabitants, he plundered and wasted the lands of the Bishopric, undeterred by the mandate of Dunstan prohibiting him from spoiling the pos-

sessions of St. Andrew, the patron of the See of Rochester. Nor did he desist until he had extorted one hundred pounds in silver from the Bishop. CHAP. XIV.

Towards the close of the tenth century the Kings of Norway and Denmark arrived in the Thames with ninety-four ships, and having been beaten back by the citizens of London with considerable loss, they overran the coasts of Essex, Kent, Sussex, and Hampshire, burning, plundering, and slaying without regard to age or sex, in those devoted counties. The King of Norway (Olave) returned home, but Sweyn, the King of Denmark, remained; and the Danes afterwards sailed into the Medway and surrounded Rochester. The men of Kent hastened to its relief, but were slaughtered by these barbarians, who collected horses and ravaged Kent to its western border.* Heavy ransoms were paid to rid the country of the Danes, but this foolish expedient only induced them to return. A. 994.

Ethelred had six sons and four daughters by his first wife, and on her death he was attracted by the beauty of a daughter of Richard, Duke of Normandy, and married her; she adopted the name of her predecessor, Elgiva, to please the Saxons, as her name Emma, "the gem of the Normans," grated on their ears. Turner,
Vol. II., p. 304.

The year 1002, says Turner, "has become memorable in the annals of crime by an action as useless as imbecility could devise, and as sanguinary as cowardice could perpetrate." To every city and town of England letters were secretly despatched by Ethelred annulling the safeguard granted by compulsion to, and criminally abused by, the Danes; and commanding the robbers there inhabiting to be put to death on St. Brice's day under the protection of God and his saints. The order was received without horror, was not betrayed to the Danes, and was unsparingly executed, the people rioting in vengeance even towards English women married to Danes. The Saxon Vol. II., p. 312.

* "Many horses were bred, every man being obliged to have two to his plough; hence it is not surprising that the pirates of the north were so soon able to transform themselves into cavalry, after their landing on the coast."—*Lappenberg*. Vol. II., p. 358.

- CHAP. XIV. Chronicle states in justification of this merciless act of
 A. S. C., p. 396. butchery "that it was made known to the king that the
 Danes would treacherously bereave him of his life and
 afterwards all his witan." Great as the crime must ever
 appear, it should be remembered that it was the united
 act of an outraged people. Nothing is more unjust than
 Lappenberg, Vol. II., p. 167. to compare St. Brice's day with the night of St. Bartho-
 lomew. A closer resemblance may be found in the struggle
 of the Britons under Boadicea. Such is the received
 account of the massacre, but it seems probable that the
 death only of the Danish mercenaries was intended.
 Popular indignation, however, extended it to all of their
 nation, where they were not strong enough to defend them-
 selves, as in the East and North; Gunhilda, the sister of
 Sweyn, was among the sufferers. No sooner had the sad
 intelligence of the murder of his relatives been communi-
 cated to Sweyn than he planned an expedition to England,
 and in the following summer he landed from a numerous
 fleet at Sandwich, plundering and burning as usual where-
 ever he went.

The marriage of Emma of Normandy was an unhappy
 one. The King's infidelity and neglect were resented by
 his high spirited Queen, and her complaints gave rise to
 an act of wholly unjustifiable barbarity on the part of her
 father, who seized all the English who happened to pass
 into Normandy, killing some and imprisoning others.

- A. S. C., p. 399. In 1006, the Danes obtained from England £36,000 for
 a fallacious peace. A subsequent taxation of the English,
 which produced upwards of 700 ships, and armour consist-
 ing of helmets and coats of mail, in proportion, was levied,*
 and the fleet assembled at Sandwich, but all to no purpose.

Edric (described by Florence of Worcester as a man of
 base birth) now became the favourite of the King, and was
 raised to the rank of Duke of Mercia. He is accused of
 acting most treacherously in the subsequent troubles, but

* Every 310 hides throughout the kingdom was obliged to furnish a
 ship of war, and every nine hides a helmet and a coat of mail.—A. S. C.,
 p. 399.

his crimes are believed to be exaggerated, through the hatred of Norman writers to Harold, whose grand-uncle he was. He had six brothers, who envied his advancement, and their dissensions paralyzed the exertions of the people, and rendered the fleet, the greatest we are told that had ever been raised in Britain, comparatively powerless. The port in which the vessels again assembled was Sandwich, then reputed the most celebrated haven of England: "*Omnium Anglorum portuum famosissimus.*"

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The Anglo-Saxon Chronicle thus records this disastrous proceeding:—

"A. 1009.—In this year were the ships ready, about which we before spake; and there were so many of them as never before, according as books say unto us, had been among the English nation in any King's days. And they were all brought together to Sandwich, and there they were to lie and defend this land against every foreign army. But still we had not the good fortune nor the worthiness, that the ship-force could be of any use to this land, any more than it oft before had been. Then befell it at this time, or a little before, that Brihtric, Edric the ealdorman's brother, accused [of treason] to the King, Wulfnoth the 'Child' of the South Saxons, father of Godwin the earl. He then went out and enticed ships unto him, until he had twenty; and he then ravaged everywhere by the south coast, and wrought every kind of evil. Then it was told unto the ship-forces that they might be easily taken, if they would go about it. Then Brihtric took with him eighty ships, and thought that he should acquire great fame if he could seize Wulfnoth alive or dead. But as they were on their way thither, then came such a wind against them as no man before remembered, and the ships it then utterly beat and smashed to pieces, and cast upon the land: and soon came Wulfnoth, and burned the ships. When this was thus known in the other ships where the King was, how the others had fared, then was it as if it had been all hopeless; and the King went his way home, and the ealdormen and the nobility, and thus lightly left the ships; and then afterwards, the people who were in the ships brought them to London: and they let the whole nation's toil thus lightly pass away; and no better was that victory on which the whole English nation had fixed their hopes. When this ship expedition had thus ended, then came, soon after Lammas, the vast hostile army, which we have called Thurkill's army, to Sandwich: and they soon went their way to Canterbury, and the city would soon have subdued, if the citizens had not first desired peace of them: and all the people of East Kent made peace with the army, and gave them three thousand pounds."

p. 399.

While other parts of Kent were thus constantly encountering the Danes, the district of the Weald, after the death of Alfred, would seem to have escaped their ravages;

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- at least we have no account of their coming there. The Danish army, which had rested during the winter in the Isle of Wight, under the command of Sweyn, left its quarters and ravaged and plundered the neighbouring counties, including that portion of the Andred Forest situate in Sussex; for they marched over *Æscesdūn* [Ash-down], by Winchester, where the desponding citizens might behold them insolently passing by the city gates laden with spoil on their way to the sea, lighting their war beacons as they went, while the unready Ethelred was taking shelter in Shropshire. "At last there was no chief who would assemble forces; but each fled as he best might, nor at the last would even one shire assist another."
- Lappenberg,
Vol. II., p. 169.
- A. S. C., p. 401.
- A. 1011.
- Turner,
Vol. II., p. 317.
- Harris, p. 516.
- p. 58.
- The triumph of the Danes was completed by the surrender to them of sixteen counties and the payment of £48,000. These concessions and payments were, however, to little purpose. Canterbury was again besieged by the Danes "between the nativity of St. Mary and St. Michael's Mass," [*i. e.*, in the middle of September,] and resolutely defended by its inhabitants. On the twentieth day a part of the city was set on fire by the treachery of Elfmar, Abbot of the St. Augustine's, whose life had been formerly saved by the venerable Archbishop Alphege. Thus an entrance was obtained, the city taken and burnt, and the inhabitants put to the sword. The Archbishop was taken with Godwin, Bishop of Rochester, and others; but Elfmar was allowed to escape. The Archbishop, though severely wounded, was dragged on board one of the Danish ships, and cast into a prison where he remained seven months. They afterwards murdered him at Greenwich and threw his body into the Thames. The Bishops of London and Dorchester* recovered it the day after, and buried it in St. Paul's: a few years later it was removed to Canterbury. Alphege was canonized. Mackintosh thus describes his murder:—

"In the midst of these ignominious submissions the Archbishop of Canterbury, a prisoner in the Danish camp, acted with a magnanimity

* Harris says Lincoln, but that diocese was not then founded.

more signal than that which patriotic fiction ascribed to Regulus. They offered to release him for a moderate ransom, if he would promise to advise Ethelred to give them large sums of money as a largess. 'I have no money,' he answered, 'and I will not advise the King to dishonour himself.' He resisted their importunities, and even refused from his brethren the means of ransom, declaring that 'he would not provide Christian flesh for pagan teeth by robbing his poor countrymen to enrich their enemies.' The barbarians, inflamed by intoxication, and impatient of further delay, dragging him before a sort of military council, cried out, 'Gold, bishop, gold!' Finding him unshaken, they assailed him with bones, horns, and jaws, the remains of their feast. He fell to the ground half dead, and received a mortal wound from a freebooter whom he had himself baptized."

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Turner passes over this dismal period of Kentish history, merely referring the reader to the different writers on the subject. Vol. II., p. 317.

We gather a few particulars of the sufferings and degradation of the Saxons from a sermon of Lupus (Bishop Wulfstan), quoted by Mackintosh.

"Such is their valour that one of them [the Danes] will put ten of us to flight; two or three will drive a troop of captive Christians from sea to sea. They seize the wives and daughters of our thanes, and violate them before the chieftain's face. The slave of yesterday becomes the master of his lord to-day. Soldiers, famine, flames, and blood surround us. The poor are sold far out of their land for foreign slavery. Children in the cradle are sold for slaves by an atrocious violation of the law.' We should more pity these miseries if we did not bear in mind the preceding massacre of the Scandinavians. We do not, indeed, trace in our scanty information that these cruelties were measures of retaliation, or that any peculiar abhorrence of the massacre was professed by the Northmen. But in contests between beasts of prey it is hard to select an object of compassion. Let those who consider any tribes of men as irreclaimable barbarians call to mind that the Danes and Saxons, of whose cruelties a small specimen has been given, were the progenitors of those who, in Scandinavia, in Normandy, in Britain, and in America, are now among the most industrious, intelligent, orderly, and humane dwellers upon earth."

Mackintosh,
p. 60.

A temporary peace followed; and Thurkill, the Danish commander, with forty-five ships, passed into the service of Ethelred.

Leaving Denmark in charge of his son Harold, Sweyn, accompanied by his sons Canute and Olaf, arrived at Sandwich, and after a stay of a few days proceeded to the a. 1013.

CHAP. XIV. North, where the people soon submitted to his authority and delivered hostages to him from the noblest families ; Sweyn entrusted them, as well as the fleet, to Canute.

Terrified by the universal disaffection, the Queen fled into Normandy to her brother Richard. The young princes were shortly afterwards sent to their mother, and Ethelred hearing of their good reception followed them, leaving Sweyn in undisputed possession of the land. Sweyn, however, died about a year after his elevation, and the Danish soldiers in England appointed Canute their ruler ; but Ethelred, then at Rouen, on the invitation of the Witan returned to England. Canute sailed from East Anglia to Sandwich and landed the hostages which his father had received for the obedience of the English, who were the children of the best nobility ; but in revenge for the opposition of the nation he maimed them of their hands, ears, and noses, and retired to Denmark.

The rapidity with which these internal wars followed each other caused the people at last to look upon them merely as a struggle for the mastery between the Danish and the Saxon armies.

A. 1015.

In the autumn of 1015 Thurkill, having deserted from Ethelred, sailed to Denmark and induced Canute to equip a splendid fleet for the conquest of England ; according to the different authors it consisted of 200, 840, 800, or even 1,000 ships, so contradictory are numerical accounts. Sandwich was the point to which Canute directed his course, where a stout resistance awaited him. Thurkill was, at his own solicitation, the first to land. With the forces of forty ships he engaged the English army ; and though at the outset the Danes sustained a severe loss, victory at last declared itself on their side, and they returned loaded with spoil to their ships. This resistance, it is supposed, caused Canute to sail from Sandwich and ravage the counties of Dorset, Wilts, and Somerset. Ethelred at this time lay sick at Corsham, betrayed by the perfidious Edric, who crowned the treasons of his life by fleeing to Canute with forty ships. Thus Ethelred,

Lappenberg,
Vol. II., p. 185.

deserted by his army and his fleet, his councils divided by jealousies and animosities, expired on St. George's day, 1016. He reigned nearly forty years, and history contains few reigns so long and so disastrous. His death released England from its greatest enemy.

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Close of Ethelred's reign,
A. 1016.

Kent suffered more from foreign invasions during this long reign than under any other Saxon monarch, which must be my excuse for dwelling so long upon it.

The nation continued divided as to Ethelred's successor. The hearts of the people, especially the burgher population, inclined to Edmund, the eldest son of Ethelred, who from his valour had gained the name of Ironside; while the far greater part of the clergy and nobles had agreed to elect Canute, the Dane, for their lord and master, and they flocked to him at Southampton and tendered their allegiance.

A. 1016.
Edmund
Ironside

Passing over the Siege of London and other engagements between the contending claimants for the throne, I need only mention that the Danish infantry returned to their vessels and sailed to the Medway, while the cavalry drove the live booty they had acquired before them, across the country. Edmund having again collected an army came up with the Danes at Otford, and they being worsted fled to the Isle of Sheppy. Edmund, it is said, would on this occasion have easily effected the total destruction of Canute and his army had he not listened to the treacherous councils of Edric, who induced him to desist from the pursuit of the enemy at Ailesford.

Lappenberg,
Vol. II., p. 191.

Then followed the battle of Assingdon, in Essex (near Saffron Walden), also lost by the perfidy of Edric, and fatal to the cause of Edmund. A compromise was next effected, and a division of the kingdom took place by which all the country south of the Thames, with the sovereignty, was preserved to Edmund, who, however, survived his father barely six months, when he was assassinated.

It was about this period that the famous Earl Godwin*

* He was a native of Sussex, and called by some writers the son of a herdsman, but this is disputed.

CHAP. XIV. began to acquire a power which gradually increased until he became little less than a Sovereign: and his son Harold was the last of the Saxon kings.

A. 1016,
Canute.

Canute, surnamed the Great—the Brave—the Rich—the Pious—obtained at Edmund's death the sovereignty of all England. His first measures were sanguinary and tyrannical. He caused the death or banishment of the children of Ethelred, and sent the children of Edmund to the King of Sweden to be destroyed, but he preserved their lives by sending them to Hungary, and Edgar Atheling was the issue of one of them. The latter days of Canute were more worthy of a Christian king, which was probably due to the influence of his wife Emma, the widow of Ethelred. He died at Shaftesbury 12th November, 1035, and left three sons. Sweyn, the eldest, he had placed over Norway; and he wished Harold should possess England, and Hardicanute (his son by Emma), Denmark. There was, however, a division in the Council which met at Oxford. The Danish chiefs chose Harold, whilst Earl Godwin and the West Saxons preferred Hardicanute. It ended in Harold at first reigning at London and north of the Thames, and Hardicanute in the West of England. Hardicanute's continued absence in Denmark, however, enabled Harold to obtain possession of the whole kingdom. Harold reigned only four years, long enough, however, to display his cruelty by burning out the eyes of Alfred, the son of Ethelred by Emma; and mutilating and dismembering a small body of soldiers he had with the assistance of Godwin decoyed to England.

A. 1040,
Hardicanute.

Hardicanute, the half brother of Harold, succeeded him, but he reigned only two years, dying suddenly at the nuptial feast of one of his nobles at Lambeth.

A. 1042,
Edward the
Confessor.

Edward, afterwards styled the Confessor, the remaining son of Ethelred, who had passed twenty-seven years in Normandy, was placed on the throne with the assistance of Godwin, whose eloquence had materially assisted in inducing him to accept the crown. Godwin had now become the most powerful of the Saxon nobles. He was

Earl of Kent as well as of Sussex ; and his sons Harold, Sweyn, and Tostig, ruled over other parts of England. CHAP. XIV.

To strengthen his influence Godwin effected a marriage between Edward and his daughter, who, according to William of Malmesbury, possessed no ordinary endowments ; fervent piety, extensive learning, and great personal attractions ; which, with reference to her father and brothers, gained for the childless Queen the appellation of "the rose amongst the thorns ;" but all these good qualities were thrown away upon the King, who lived apart from her in monkish celibacy.

William of
Malmesbury.

Soon after the King's marriage an invasion from Magnus, King of Norway, was apprehended, and a powerful fleet assembled at Sandwich, where Edward awaited the expected arrival of the Northmen ; but a war with Norway having been renewed by the Danes, the fleet of Magnus was detained in the Baltic and the aid of the English fleet against the Norwegians was solicited. Godwin in the course of the deliberations on this appeal advised that fifty vessels manned and armed should be sent to the aid of the Danes, but his advice did not prevail in the Witingemot. An engagement between the Danes and Norwegians followed, when Sweyn was defeated and driven from Denmark, and Magnus obtained possession of both kingdoms. The soundness of Godwin's advice soon became apparent, for, on the termination of the war with Denmark, twenty Norwegian ships appeared before Sandwich, "plundered the rich commercial town," and being driven from the Isle of Thanet by the valour of the inhabitants ravaged Essex.

This raid is thus recorded in the Anglo-Saxon Chronicle :—

"A. 1046. This year Lothen and Irling came with twenty-five ships to Sandwich, and there took unspeakable booty, in men, and in gold, and in silver, so that no man knew how much it all was. And they then went about Thanet, and would there do the like ; but the land's folk strenuously withstood them, and denied them as well landing as water ; and thence utterly put them to flight. And they betook themselves then into Essex, and there they ravaged, and took men, and property, and what-p. 418.

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soever they might find. And they betook themselves then east to Eadwine's land [Flanders], and there they sold what they had plundered; and after that went their way east, whence they before had come."

A. 1051.

Edward, as has been mentioned, had passed his early years in Normandy, and he brought back with him many Normans, to whom he gave the most important posts both in Church and State, to the great disgust of his own people. Whilst this jealous feeling was at its height, Eustace, Earl or Count of Boulogne, who had married Edward's sister, appeared at the English court with a strong armed retinue, and was received with mistrust and murmuring. On his way back to France, having stopped for refreshment at Canterbury, he proceeded on the way to Dover, and when within a mile of the town it was observed that he and his men put on their hauberks [breastplates], and no sooner had they arrived than they announced their intention of quartering themselves wherever it appeared agreeable to them.

The Anglo-Saxon Chronicle thus proceeds with the narrative.

p. 421.

"When he came to Canterbury, east, then took he refreshment there, and his men, and went to Dover. When he was some mile or more on this side Dover, then he put on his breastplate, and so did all his companions, and went to Dover. When they came thither, then would they lodge themselves where they chose.* Then came one of his men, and would abide in the house of a householder against his will, and wounded the householder, and the householder slew the other. Then Eustace got upon his horse, and his companions upon their's, and they went to the householder and slew him within his own dwelling; and they went up towards the town, and slew, as well within as without, more than twenty men;† and the townsmen slew nineteen men on the other side, and wounded they knew not how many. And Eustace escaped with a few men, and went again to the King [at Gloucester] and made known to him in part how they had fared. And the King became very wroth with the townsmen. And the King sent off Godwin the earl, and bade him go into Kent in a hostile manner to Dover: for Eustace had made it appear to the King that it had been more the fault of the townsmen than his; but it was not so. And the earl would not consent to the inroad, because he was loth to injure his own people."

* "This was a right which the feudal barons of the continent claimed (*droit de gîte*) and subsequently expressly provided against by charter." — *Wright*, p. 444.

† "There was a fortified castle on the cliff, which was seized by the people of Eustace." — *Flor.* 1051.

Lappenberg, in commendation of the spirited conduct of the burghers of Dover, says :— CHAP. XIV.

“But why should the proud and mighty Earl Godwin, out of mere compliance with the will of his weak-minded son-in-law, be the instrument to punish his brave burghers for a deed which had called forth praise from every part of England? All the West Saxons shared in his hatred of the French; for reckless insolence and rash violence had marked the career of every Frank in England.” Lappenberg,
Vol. II., p. 248.

Mr. Wright says this incident occurred in 1048, and a *second* riot took place four years later, when Count Eustace again visited King Edward, and on his landing at Dover the old feud was renewed.

“Then,” says the chronicler, “went his men inconsiderately after lodgings, and slew a certain man of the town, and then another, until seven lay slain, and much harm was then done on both sides with horse and weapons, until the people gathered together, and then Eustace’s men fled away till they came to the King at Gloucester.”

On this second occasion Godwin more openly took part with the townsmen of Dover; and, raising a considerable army, marched towards the King and demanded that Eustace and his men should be delivered into his hands. They, however, were believed in preference to Godwin and his sons, and they were consequently unable to justify their conduct to the King, and were, by the influence of Edward’s Frankish counsellors, ordered to leave the country in five days. Godwin with his followers retired by night to Bosham and Thorney Island, in his native Sussex, and proceeded thence with a well laden vessel to Flanders.

Edward’s advisers also prevailed on him to separate from his wife, who, bereft of all her possessions and treasures, was sent with one female attendant to the Abbey of Wherwell and committed to the custody of the Abbess, a sister of Edward.

The banishment of Godwin and his sons could not be of long duration, and they neglected no means of securing a triumphant restoration, which they soon gained. Godwin assembled an imposing fleet, having seized on all the ships at Romney, Hythe, Folkestone, Dover, and Sandwich, manned by the boatmen of Kent and Sussex, and pro-

CHAP. XIV. ceded to London, where he was well received, and the King restored him and his family to their possessions. The Frenchmen mounted their horses and fled on receiving the intelligence, and, including the Archbishop of Canterbury, were outlawed.

A. 1053. Tranquillity was restored, but Earl Godwin died shortly afterwards, "without doing sufficient penance for the property of God which he held belonging to many holy places."

A. S. C., 427.

Edward died 5th January, 1066.* The weakness of his character displayed itself throughout the whole of his reign; and, however distinguished he might have become in a monastery, he was wholly unfit to reign over England, especially in such disturbed times. The title of "The Confessor" was bestowed in the Bull for his canonization by Pope Alexander III., about a century after his death. He was buried in Westminster Abbey, then newly erected by him, and where his shrine still remains.

Several years before Edward's death, William of Normandy visited England with a numerous retinue, and returned loaded with presents; some writers say in full expectation of being England's future sovereign.

A. 1066.

Harold, the son of Godwin, the last of the Anglo-Saxon Kings, was elected and crowned by the Saxon chiefs on the day of Edward's interment. His brother Tostig, who had ruled in the North, and was the brother-in-law of William of Normandy, was the earliest competitor for the throne; and with promises of support from neighbouring princes, who allowed him to raise troops in their territories, he landed in Northumberland, and with the assistance of Harold Hardráda (Harold the Stern), a Norwegian prince, the Saxons were defeated near York. At this time King Harold was expecting the threatened landing of William of Normandy on our south-eastern coast. He, however, resolved first to encounter the Norwegians who were in

* Some MSS. of the Saxon Chronicle, by placing his death in 1065, afford an early example of the beginning of the year being reckoned from the 25th of March.

possession of the country, and proceeded northward, when a battle long of doubtful issue and memorable for its dreadful slaughter ensued, and ended in the victory of the Saxons. This took place on the 25th of September, 1066, and three days afterwards William Duke of Normandy landed at Pevensey.

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CHAPTER XV.

FURTHER CHARTERS RELATING TO THE FOREST, ANGLO-SAXON LAW-SUITS, AND WILLS.

CHAP. XV.

PURSUING the course I adopted in Chap. IX., I propose to continue the translations of portions of such of the charters as bear upon my subject, granted during the remainder of the Anglo-Saxon history, extending over a period of about 200 years.

p. 85.

The last charter we noticed was granted by Ethelbert in 868, which included certain saltworks at Herewic, and a right of taking wood for the use of the salthouses; and as I have since met with a charter granted somewhat earlier conferring a similar right in Andred, I will here introduce a translation of a portion of it.

EGBERT OF KENT, 833.

Codex, 234.

"Egbert, King of Kent, with the consent of his Witan, not for money but for the health of his soul, and for the expiation of his sins, grants 150 jugers [jugerum, an acre or yoke] to the Church and the Abbot Dunne and his companions in the place called Sandtun; and in the same place salt pans near Lympe [Limene] and in the wood called Andred one hundred and twenty wains or wagons of wood to support the fires for preparing the salt."

I have not met with any charter referring to the Andred Forest during the reign of Alfred and the five succeeding sovereigns, when the kingdom was in a disturbed state, and warfare was the chief employment of the inhabitants, I will therefore next refer to a charter from Eadgiva, the wife of Edward the Elder.

EADGIVA, 961.

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"Queen Eadgiva, describing herself as mother of the Kings Edmund and Eadred, gives to the monks of Christ Church, Canterbury, among other lands, Leanham [Lenham], Peccham [Peckham], Fernlege [Farleigh], and Ealdintun [Aldington]." *

Codex, 1237.

Thorpe, p. 204.

The Peckhams and Aldington are on the borders of the Weald; but I refer to this charter because it includes Aldington, one of the most extensive and important of the places in Kent connected with the district, and which I shall have occasion to refer to frequently hereafter, as no less than forty-four of the denes were held of this manor; but there is no reference by name in this charter either to the forest of Andred or the denes.

Five years later we find a charter from King Edgar, who describes himself as "Eadgar, king of the English and other nations," in which he grants to the see of Rochester

A. 966.

"Ten hides, which the people of Kent call *ten sulungs*, in that place where the inhabitants have long since given the name of that district at Bromleage [Bromley]." * * * * "The use of the woods in Andrede belongs to the same."

Cod. Dip., 518.

Thorpe, p. 216.

The denes are then enumerated :—

"Billanora by Lyndhyrst and on Gleppan felda Scearndæn, and these to the right with Thornden and Broccesham to the east of the river, and Tannera Hole and Tryndhyrst."

The position of the denes granted by these charters would as a matter of convenience have some bearing on the position of the property conferring the right of pannage. Thus Bromley being at one extremity of the county, the denes annexed to this charter will be found on the western confines of Kent and on the borders of Surrey. Billanora, by Lyndhyrste, must have been a dene near Lionhurst, or Linhurst, on the north-east of Edenbridge. Scearnden is Shornden, west of Edenbridge; Broccesham, Broxham, or Brocksham, partly in Edenbridge and partly in Westerham; Tannera Hole may be Tapner's Hole in Penshurst Park, which takes its name from a hole in the Medway where a spring rises; and Tryndhyrst may be Tyhurst in Chiddingstone.

* In this charter 'Byrsige Dyring' is mentioned by Queen Eadgiva as her relative.

CHAP. XV.
 ———
Liber de Hyda,
 Ed. by Mr.
 Edwards (1866)
 pp. 242—251.

The next charter I will refer to is one of King Ethelred, in 993, being a grant to his mother Elfhryth of certain parcels of land in sundry places, including Bradanburn [Brabourne] and Natinceddene [Nackinton], "as long as she shall retain her vital spirit unextinguished in her mortal flesh."

In the boundaries of the Braddanburna [Brabourne] land several Saxon names may be identified with those now in use. We have the Kings-Nether-holt, Bodysham, Stokkys-Gate [Stoake's Lane], Muslee, Bruneford, Has-tingle,* &c., but none of them situate in the Weald.

The Charter then refers to six "denes in the Weald" attached to Brabourne, Cradhole [possibly Crithole], Hæmstede, Begyndene, Herebourne, Straddene, and Bydyngdene. The boundaries of the Nackington land begin with Leofsiges land to Kasernstrete [Cæsar's Road],† by the Crucifix and on by "Cæsar's Road" to the hill, finishing with a sulung which "Wulfstan holds at Scaltwuda" (Saltwood), now the property of Colonel Deedes.

We meet here for the first time with the denes of Hæmstede [Hempstead, now the property of the Right Hon. Gathorne Hardy], Begingeden [Benenden], and Bydingden [Biddenden].

Proceeding in chronological order we find Surrenden thus referred to.

GODWINE, about 1020 [temp. Canute].

Codex, 1315.

"Here is witnessed by this deed that Godwine gave Leofwine the Red the Dene at Swithrædingdæne [Surrenden] in perpetual inheritance, to have and to sell for life and after life as pleases him best."

* Mr. Kemble says, "It is very remarkable how many modern parishes may be perambulated with no other direction than the boundaries found in his Codex. To this very day the little hills, brooks, even meadows and small farms bear the names they bore before the time of Alfred."—*Saxons in England*, Vol. I., note, p. 246.

† The Cæsar's road here referred to is of course the Stone Street Road from the old Portus Lemanis, passing from Lympne through Nackington to Canterbury, and being thus named it may perhaps be considered to favour Mr. Lewin's theory as to the place of landing; though "Cæsar's road" may be here intended for a Roman road irrespective of Julius Cæsar. I may here mention that I omitted in Chap. II. to include the name of Mr. Philipot as one of our early Kentish historians; he states that "the place where Cæsar landed when he conquered Britain" was in the vicinity of Lympne.

As I find that Mr. Larking, in his paper on the Surrenden charters (Vol. I. *Archæologia Cantiana*, p. 63), introduced a translation by Mr. Kemble of the whole of this charter, with the annotations on it, I will insert it here. The charter is indorsed—

"Godwine vendidit Leofwino swithredigdene—Anglice."

"Here by this writ it appeareth that Godwine granted to Leofwine the Red, the pasture* at Swithredingden, in perpetual inheritance, to have or to give, during life or after life, to whom he best pleased, at the same rent as Leófsunu was to have paid him, that is, forty pence and two pounds, and eight ambers of corn. Now Leófwine grants this pasture to him unto whom Bóctún [Boughton Aluph] may go, after his day. Now the witnesses to this are, Lyfing the Bishop, and Ælfmær the Abbot, and the brotherhood at Christ Church, and the brotherhood at St. Augustine's, and Sired, and Ælfsige the Child,† and many a good man beside, both within town and without."

"The 'godmen' are especially the 'boni et legales homines,' the jury, whose presence implies that this instrument is the record of a solemn transaction before the boroughmoot, or even the shiremoot. Leófwine most likely lived at Bóctún, i.e., Boughton, and the result of the instrument would have been to attach Surrenden pastures to that estate for the future, which could only be done by a formal act."

I hope not to be deemed presumptuous if I question the correctness of the cautious opinion expressed by Mr. Larking on this charter. He says, "The lands to which it refers are probably the estate constituting in after times the manor of Surrenden." On the contrary, I take this charter to refer to the old Surrenden (frequently written Suthrinden) at Bethersden, the original seat of the family of that name, and now belonging to Lady Holmesdale, who pays a quit rent to this day to the Earl of Winchilsea, as lord of the manor of Boughton Aluph, for her property at Bethersden. A descendant of the family of Suthrinden intermarried with one of the coheirs of William de Pluckley, and her husband, John de Surrenden, in her right, became entitled to the manor of Pluckley; and, to distinguish it from

* In the extract of this charter which precedes the above translation, I have described the property as "the dene at Surrenden," while Mr. Kemble calls it "Land fit for the pasture of swine," that being, he says, the strict legal meaning of "dæn," when neuter, which this clearly is, from the genitive "dæennes."

† Child or child was a young noble's title. It is often met with in old ballads, as "Child Rowland to the dark tower came."—(*King Lear*, Act III., Sc. 4.) And a familiar modern instance is found in the "Childe Harold" of Lord Byron.

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Hasted,
Vol. III.,
pp. 227 & 238.

two other manors adjoining belonging to him, it was called the Manor of Surrenden. His son in the reign of Edward the Third erected a new mansion on the site of the old manor house at Pluckley. Now, of course, without calling in question the antiquity of the family of the present owner of Surrenden Dering,* I am of opinion that the place referred to in this charter was the estate in *Bethersden* now known as old Surrenden; the name of Surrenden not having been given to the Pluckley estate until nearly three centuries later.

We next meet with a Charter from Canute and his Queen.

KING CNUT AND QUEEN ÆLFGIVA EMMA, 1032.

Cod. 745.

Thorpe, p. 328.

"Here is made known in this writing how King Cnut and Ælfgiva, the lady, granted to Eadsige, their priest, when he turned monk, that he might dispoſe of the land at Apoldre [Appledore] as to himself should be most desirable. Then gave he it to Christ Church [Canterbury] for the servants of God for his soul.

"And he gives also amongst other lands the land for his day at Berwican [Berwick, in Lympe, late belonging to Archdeacon Croft], which he received from his Lord, King Cnut; and the land at Palstre [now part of Wittersham], and at Wihtriceshamme [Wittersham], after his day, and Eadwine's along with the others, to God's servants, as foster-land† for his soul."

The next Charter bearing on our subject is about eighty years later, and contains a grant from an English sovereign to a *foreign* church. It is a grant from Edward the Confessor to the Church of Ghent.

The Family of
Dering.

p. 143.

Thorpe's
Diplo., p. 204.

* The family of Dering claim to be the only one in England who have retained their original Anglo-Saxon motto, together with an unbroken descent in the male line from the time of Harold to this day, the present Sir Edward Cholmeley Dering, Bart., being the twenty-ninth generation. The names and dates are shown in the painted windows at Surrenden Dering, taken from the family pedigree and Heralds' College. Different accounts of the family may be seen in Phillipot's, Harris', and Hasted's *Histories of Kent*, and in Weever's "*Ancient Funeral Monuments*." In the Cod. Dipl. II., No. 312, will be found one of the Rochester charters, to which "*Ego Deoring Miles*" is appended as an attesting witness (A. 880). In the charter of Queen Edgiva (A. 961), Byrſige Dyring I have already mentioned is referred to as a relative of the Queen Edgiva, "*quidam propinquus meus nomine Byrſige Dyring*." One of their earliest possessions appears to have been at Farningham; and in Domesday "*Dering*" held the Manor there under the Bishop of Baieux, and "*could turn himself whither he chose*," that is, such a man might transfer his own fealty and the service due from the land. His tenure, therefore, was allodial.

† Land given for the food and sustenance of the monks.

EADWEARD, 1044.

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"I Edward give and confirm to the aforesaid church of Sancti Petri de Gant [Ghent] of my royal authority the manor of Leueaham [Lewisham], with all appurtenances, to wit Greenwic [Greenwich], Wulewic [Woolwich], Modingeham [Mottingham], and Cumbe, et cum vallibus [and also with the vallies or denes] in Andreda, appertaining to the said *manor*, to wit Æschore, Æffehaga, Wingindene, Scarendene, Sandherste [Sandhurst].

Codex Dip.
771.

We find in this charter* the word "*manor*," of which I shall speak hereafter. Edward the Confessor has the reputation of desiring to introduce the feudal system into England. This king also gave land at Certham [Chart-ham] to Christ Church, Canterbury, and confirmed all former donations in Kent and other counties. The Kentish grants included, among many others, "East Cert" [Great Chart], "and the other Cert" [Little Chart], Berruica [Berwick], Werhornas [Warehorne], Apuldra [Appledore], Mersham [Mersham], Fernlège [Farleigh], and Peccham [Peckham].

Cod. 896.
(without date).

These Anglo-Saxon charters I consider sufficient to establish fully the proposition laid down in Chapter X., that in the first instance the feeding in the forest was a general one; and afterwards, as in all the cases mentioned in this chapter, limited to particular Denes.

We have now reached the reign of Edward the Confessor; and the names of the several places which we are enabled to identify as entitled to the right of feeding, are either at a distance from, or on the borders of the Forest, while the denes themselves are all situate *within* the district. Thus we meet with Bromley, Peckham, "East Chart and the other Chart," Mersham, Brabourne, Aldington, Berwick, Appledore, Palstere, and Wittersham; all, with the exception of Bromley, on the several confines of the Forest; while among the denes that we can identify, we find those of Surrenden (old), Herbourne, Biddenden, Hemsted, Benenden, Sandhurst, Shornden, Broxham,

* It is, however, supposed to be spurious, which may account for the introduction of '*manor*;' as modern Anglo-Saxon scholars are of opinion that whenever the word '*manor*' appears in an A.-S. charter, it impeaches its authenticity.

CHAP. XV. Tapner's Hole, and Tyhurst, extending over nearly the whole of the Kentish portion of the Forest then in cultivation or pannage; as yet I have failed to find any mention of Cranbrook or Tenterden.

But I must not pass over the first charter referred to in this chapter, by which King Egbert gives the saltworks and one hundred and twenty loads of wood from the Weald of Andred to support the fires connected with the works. Here the wood granted is not to be taken away from any particular dene in the forest, or at any particular time; it may therefore be inferred that the sovereign at this time [A.D. 838] retained the right to the timber, and that this right extended over the whole of the forest. We meet with other similar grants. The king, it would appear, was entitled to a certain royalty from these saltworks or evaporating pans.

In closing this portion of my subject, I will briefly describe from Mr. Kemble's Introduction to the Codex, the component parts of an Anglo-Saxon charter. These consisted of—

(1) The invocation or ejaculation is the first member of the document, the forms of which are numerous and various, but most frequently invoke either the second or all the three Persons of the blessed Trinity.

(2) The proem on the transitory nature of earthly things and the duty of charity, including quotations from Scripture.

(3) The grant and most important part of the charter, including the names of the grantor* and grantee. These Saxon grants, unless otherwise restrained, gave to the grantee a full and free power of disposal. The burthens or charges of the land are also referred to. Of these, those most familiar to us are the *trinodia necessitas*, or

* In the Anglo-Saxon charters the kings of Mercia, we have already seen, after Cenulph's second year (viz. 798), take also the style of kings of Kent, which was an appanage to Mercia in the hands of Cuthred, Cenulph's brother, till 805, when it again became an independent kingdom under Baldred; it finally sunk into an appanage for the sons and brothers of the West Saxon kings, who called themselves Kings of the West Saxons and of the Men of Kent.

"the three needs," as some of our old writers call them, viz., (1) the maintenance of bridges; (2) fortifications, or other public buildings; and (3) military or militia service, for there was not then any standing army. From these burthens no one was excused, not even the clergy; and we have seen a bishop of Rochester taking charge of the district of West Kent for defence against the Danes. Here also was inserted in the Kentish charters the reservation to the grantee of the right of feeding in common or in particular denes in the Andred and other forests and woods.

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(4) The sanction or punishment attached to the violation of the premises, usually called the *si quis* clause, threatening excommunication and eternal punishment to those who presumed to disturb the grant unless they atoned for it. The following specimen is taken from a charter of King Eadgar:—

"But if any one, through any audacity or through the devil's lore, will violate this freedom, or dare to avert it to other, be he accursed with all the curses that are written in all holy books, and be he severed from the communion of our Lord and all his saints, and be he bound while he lives in this life with the same bonds which God Almighty through himself committed to his holy apostles Peter and Paul; and after his accursed departure may he ever be in the bottomless pit of hell, and burn in the everlasting fire with the devil and his angels ever without any end, unless before his departure he make atonement for it. Amen."

Thorpe, p. 228.

(5) The date. We know not what mode or description of date our pagan forefathers adopted, but with Christianity the Roman method of dating is supposed to have been introduced into England; and the Saxon charters employ it, when they have any precise date, which is not always the case.

(6) The last formal part of the charter was the Teste. The Roman law appears not to have required signatures; the presence of witnesses was held sufficient. The clergy were the chief scribes; "they handled the pen of the ready writer," and drew up the greater part of these instruments. St. Dunstan, while Abbot of Glastonbury, was so employed. Unhappily use and abuse have gone hand in hand from the creation of the world; and to serve the

CHAP. XV. earthly interests of their own foundations, the clergy seem sometimes to have resorted to forgery. Hence the number of charters supposed to be spurious, in existence in our different ecclesiastical establishments, but the majority of these were concocted at a much later date than the Saxon times.

Vide Kemble,
Vol. II., p. 47.

It may not be uninteresting to append here the report of two Anglo-Saxon law-suits and the text of two Anglo-Saxon wills, all relating to property in Kent. One of these suits concerned some land at Wouldham, where the celebrated Archbishop Dunstan himself was a party. It took place during the reign of Ethelred, and it is published by Mr. Kemble as well as Mr. Thorpe. The former fixes the date between 965 and 993, and the latter before 968. The Bishop of Rochester was interested in the cause, and so did not preside as one of the judges; nor is any mention made of the Ealdorman; but the trial took place before Wulfsgie, the gerefa or shireman, alone.

The following is Mr. Thorpe's translation :—

p. 271.

“Thus were the six sulungs at Wouldham given to St. Andrew's as Rochester.

“ + King Æthelberht chartered it to the apostles in perpetuity, and committed it to the Bishop Eardulf and his successors to administer. Then in the meanwhile it became alienated, and the kings had it until King Eadmund. Then Ælfstán Heahstán's son bought it of the king for a hundred and twenty mancuses* of gold and thirty pounds; almost all of which his son Ælfeh gave him. After King Eadmund, King Eadred chartered it to Ælfstán in perpetual inheritance. Then after Ælfstán's day, Ælfeh, his son, was his heir; and that he declared in healthy language, and withdrew from Ælfrie his brother land and possessions, unless he might merit aught from him. Then for brotherly kinship he gave him Erith, and Cray, and Ensford, and Wouldham, for his day. Then Ælfeh survived his brother, and took to his fee. But Ælfrie had a son named Eadric, and Ælfeh none. Then Ælfeh gave to Eadric, Erith, and Cray, and Wouldham, and held Ensford for himself. Then Eadric died before Ælfeh intestate, and Ælfeh took to his fee. Then Eadric had a relict and no child, and Ælfeh gave her her morning-gift at Cray; and Erith, and Wouldham, and Littlebrook, remained in his possession. When afterwards it seemed good to him, he took up his abode in Wouldham, and would in the others, but he fell sick; and he then sent to the Archbishop Dunstán, and he came to Scylf to him, and

* A mancus contained thirty pennies, five of which made a shilling, hence a mancus was six shillings.—*Bosworth*.

he declared his testament before him ; and he placed one testament at Christchurch, and a second at St. Andrew's, and the third he gave to his relict. Then Leofsunu, through the wife he had taken (Eadric's relict), violated the testament, and contemned the Archbishop's witnessing : rode then into the land with the woman, without the decree of the 'witan.' When that was made known to the bishop, then the bishop laid claims in all Ælfhe's testament at Erith, in the witness of Ælfstán, bishop of London, and of all the convent, and of that at Christchurch, and of the Bishop Ælfstán of Rochester, and of the shireman Wulfage's priest, and of Bryhtwald at Mereworth, and of all the *East Kentishmen and West Kentishmen*. And it was known in Sussex, and in Wessex, and in Middlesex, and in Essex. And the Archbishop, with his own oath, claimed for God and St Andrew, with the charters, on Christ's rood, the lands that Leofsunu took to himself : and Wulfage the shireman, on the part of the King, received the oath, as he [Leofsunu] declined it. And there was a good addition of ten hundred men who gave the oath."

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The other trial occurred a few years later, and concerned the title to land at Snodland, where the Ealdorman is not mentioned. The king's writ was sent to the Archbishop, and the geréfa or sheriff, Léofric, and the *Thanes of East and West Kent*, met to try the cause at Canterbury :—

BISHOP GODWINE AND LEOFWINE. BEFORE 1011.

"Here is made known, in this writing, how Godwine, Bishop of Rochester, and Leofwine, son of Ælfeah, were agreed respecting the land at *Snodland, in Canterbury*. When Bishop Godwine came to the episcopal see, by command of his royal lord, King Æthelred, after the death of Bishop Ælfstán, he found in the monastery the same title deeds which his predecessor had, and therewith laid claim to the land. He began then to lay claim to the land, and for awe of God durst not otherwise ; until the suit became known to the king. When the case was known to him, he sent his writ and his signet to the Archbishop Ælfric, and commanded him that he and his thanes in East Kent and in West Kent should justly decide between them, by plaint and by defence. Then it was that Bishop Godwine came to Canterbury to the Archbishop ; then came thither the shiresman Leofric, and with him Abbot Ælfán, and thanes both from East Kent and West Kent, all the chief people ; and they there handled the suit so long after the bishop had produced his title, until they all prayed the bishop humbly that he would grant that he (Leofwine) might, with his blessing, enjoy the land at Snodland for his day. And the bishop assented thereto, for the sake of all the 'witan' who were there assembled. And he (Leofwine) pledged his faith for this, that the land, after his day, should revert uncontested to the place whence it had been alienated ; and gave up the titles that he had to the land which had before been alienated from the place, and all the messuages which he had west of the church, to the holy place. And

Thorpe, p. 301.

CHAP. XV. of this compact the delegates were : Ælfūn abbot, and Wulfrie abbot, and Leofric shiresman, and Siweard, and Wulfstān at Saltwood, and Ælfelm Ordelm's son. Now here are the witnesses who were at this compact : That is first, the Archbishop Ælfric, and the Bishop Godwine, and Wulfrie abbot, and Ælfūn abbot, and Ælfnoth at Orpington, and the convent at Christchurch, and the convent at St. Augustine's, and the burghers of Canterbury, and Leofric shiresman, and Lifing at Malling, and Siweard, and Sired his brother, and Leofstān at Mersham, and Godwine Wulfeah's son, and Wulfstān at Saltwood, and Wulfstān the Young, and Leofwine at Ditton, and Leofric Ealdred's son, and Goda Wulfsige's son, and Ælfhelm Ordelm's son, and Sidewine at Wallsworth, and Wcerelm, and Æthelred Portreeve at Bury, and Guthwold. If any one meditate to avert this, and to break this agreement, may God avert his countenance from him at the great doom, so that he be cut off from the joy of heaven's kingdom, and be delivered over to all the devils in hell. Amen."

Codex, 1258.

Sax. in Eng.,
Vol. II., p. 46.

If justice could not be obtained in the shire or hundred, then the king appears to have been sometimes appealed to. We find a case where the plaintiff was a bishop and the defendant a Kentish landowner, which was tried in London in 966, and decided in favor of the bishop ; but the defendant was not satisfied, and appears to have considered the decision not binding on him, as he subsequently carried the cause before his peers in the shire and hundred, "the leading people of West Kent, where the land and lath lie" [Bromley and Fawkham]. Mr. Kemble terms it "a dirty business on the part of the then Bishop of Rochester," and the freemen of Kent so treated it, and thus showed their independence in defiance of the king's court. In this case the charters of Snodland and land of the king at Godshill* are referred to.

As a testamentary power, or the right to dispose of property *by will* was recognized in the most free and unrestricted sense, I will close this chapter with extracts from two Anglo-Saxon wills.

"Heregyth has in this manner appointed after her day and after Abba's : To the monastery at Christchurch, from the land at Challock [Cealfocan], viz., thirty ambers † of ale, and three hundred loaves, of

* Now known as Gadshill in Higham, made memorable by Shakespeare's Henry V. ; at present the residence of Mr. Charles Dickens.

† (1) A vessel with one handle, a tankard. (2) A measure of four bushels.—*Bosworth*.

‡ A measure containing fifteen pints.—*Id.*

which fifty shall be white loaves ; one wey of bacon and cheese, one old ox, four wethers, one swine or six wethers, six goose-fowls, ten hen-fowls, thirty tapers, if it be winter, a sesterful of honey, a sesterful of butter, a sesterful of salt. And Heregyth enjoins the men who succeed to the land after her, in the name of God, that they be full well mindful that they perform this which is appointed in this writ for the convent at Christchurch : and that there be ever a table-gathering for the convent after a twelvemonth. And let the man who succeeds to the land give to her administrator xiii. pounds of pennies ; and she will give fifteen pounds, in order that this refectation may be the better provided."

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Thorpe's Dip., 473.

Indorsed in a more modern hand, anno 835—

"Here is made known, by this writing, how Wulfgyth gives her things after her decease, which the Almighty God has granted her in life to enjoy. That then is first : To my lord his rightful heriot." [Then follows a devise of land at Stistede, and the testatrix proceeds]:—"And I give to Ælgyth, my daughter, the land at Chartacre and at Essetaford, and the wood which I added thereto. And I give to Earl Godwine and Earl Harold, Fritton. And I give to Christchurch, for Christ's altar, one little golden rood, and one seat-cover. And I give to St. Eadmund two polished horns. And I give to St. Æthelthryth one woollen kirtle. And I give to St. Osyth a half pound of money [and let my children give that*]. And I give to St. Augustine one seat-cover. And whosoever shall bereave my bequest, which I have now bequeathed, in the witness of God, be he bereft of this earthly joy, and may the Almighty Lord, who hath created and wrought all creatures, sever him from the community of all his saints on doomsday ; and be he delivered to Satan the devil and all his accursed companions, in the ground of hell, and there suffer torment with God's deniers without cessation, and never molest my heirs. Of this are witness, King Eadward and many others."

Ib., p. 563.

The interest attached to all these very ancient records is increased from the fact that the names of the parties concerned, and the places referred to, are familiar to Kentish readers.

* A supposed interpolation of a later period.

CHAPTER XVI.

ANGLO-SAXON RANKS AND INSTITUTIONS.

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BEFORE we part company with our Anglo-Saxon ancestors I propose to notice briefly their gradations of rank, the property they possessed, and their institutions and habits, concluding with a short account of the state of the Forest of Andred when William of Normandy landed in its neighbourhood.

And first of the King. It would appear from early history, that the Saxon invading hosts originally had no regular constituted king, but their numerous chiefs in time of war drew lots for a leader. The war ended, the chiefs again became equals. In process of time continual wars removed these petty chieftains; and at the commencement of the seventh century, eight independent kingdoms existed in England, when three of them acknowledged the supremacy of Ethelbert of Kent. Still the office remained elective; not, however, from the whole body of the people, but from the nobility and clergy; no hereditary right was acknowledged; and we have seen the younger son preferred to the elder, and the brother of the deceased monarch to his son. This right of suffrage in times of emergency appears to have been extended to the whole people, as Edward the Confessor is said to have owed his election to the nation at large.

The meaning of the term king, however, was then something different to what we attach to the word. The notion of territorial influence is never involved in it. The kings

Bede, Hist.
Eccles., v. c. 10.

Tacitus,
Germania,
c. vii.

Sax. Chron.

Matt. West-
minster.

were originally kings of tribes and peoples, but never of the land they occupied—kings of the Kentings, but not of Kent; and to the revival of this idea, which the feudal system had banished, is due the titles of “Emperor of the French,” or “King of the Belgians,” now in use. One with the people from whom he sprang and by whose power he reigned, the king was not recognized as the Lord paramount of all the land in his kingdom; and one estate did not owe allegiance to another, as in the feudal system, but a certain quantity of land went with the crown, distinct from any private estates that the ruler might possess. The main distinction between the king and his people consisted in the *wergyld*, or higher value set on the king’s life. I have referred to the *wergyld* paid by the men of Kent to Ina for burning to death his kinsman Mul and his companions, in a house where they had taken refuge, A. 687.

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Sax. in Eng.,
Vol. I., p. 152.

p. 103.

The Queen was crowned as well as the King, until the reign of Egbert, when the honour was taken from her. The crimes of the preceding Queen (Eadburga) caused a suspension for awhile of the practice; but it was soon restored. Her name was joined with the *cynings* in some charters; and it is not unusual to find them signed by her.* We learn from them that she sat at times in the *Witenagemote*, even after she became Queen Dowager. She had her separate property, for in a gift of land of Ethelswitha (Alfred’s Queen), she calls it part of the land in her own power. She had officers of her household who were called *her nobles*.

Turner,
Vol. III.,
p. 153.

The *Æthelings* (nobles) were the sons of a king, or in default of them, the relations next entitled to the succession.

For the present we will pass over the Clergy.

I have already referred to the Ealdormen and Dukes. The number of these officers appears to have been increased

p. 106.

* They may have been subsequently executed at the king’s *festal board*, and in the presence of the members of his court and household.—*Kemb.*, Vol. II, p. 198.

CHAP. XVI. as the circuit of each particular kingdom extended. Thus, to speak only of our own county, in the reign of Cenulph A. 804 there were three in Kent who attended a Witenagemot at the same time, and who probably ruled over East and West Kent, and Romney Marsh. Their revenues arose from the lands appertaining to the office, profits of courts, fines, &c.

Next in order were the Thanes (Taini or Tegni). Sir Henry Spelman considers there were two kinds of Thanes, viz., those who served the King* and those who served under Dukes, Earls, and the great dignitaries of the Church, who were called the lesser Thanes. Wilkins concurs in this, while Kelman and other writers are of opinion that there were three classes, the thani regis, thani minores, and thani inferiores: the first equal in dignity to the Norman barons, who succeeded them; the second, the territorial Lords who became the Lords of Manors with a limited jurisdiction; and the third, freeholders of an inferior degree. Mr. Elton (the author of the "Tenures of Kent") adopts the same classification.

p. 26.

Larking's
Dom., p. 99.

The Thane was originally a military follower; and in later times the rank appears to have been held by all great landholders; a ceorl possessing five hides of land, and a merchant who had made three voyages on his own account, were deemed worthy of Thane rights. Ten thanes held Otefod [Otford] during the reign of Edward the Confessor.

Co. Litt., 94b.

Next were the tenants in Francalmoigne, an important body in Kent. Many of the charters we have quoted conferred gifts in Francalmoigne or free alms, by which lands and tenements were bestowed upon God, *i. e.*, given to such people as were consecrated to his service; and one of the greatest privileges of the Kentish tenants in Francalmoigne, was the jurisdiction over the lesser Thanes.

Elton, p. 25.

These lesser Thanes were called in Kent thegenes, and

* The heriot of a King's Thane was half that of an Earl, which will enable one to form some opinion of his rank. He was also called Wight or Wit, and was a member of the Witenagemote.

alloarii or allodiarii, and were afterwards turned into Knights, except on the manors of Christ Church. CHAP. XVI.

Then there were the soldiers [milites]* who rendered military service to the Sovereign, the Archbishops, Bishops, Ealdormen, and Thanes.

The sockmen [sochemanni] were an inferior class of landowners who held lands in the soc of the King or some civil or ecclesiastical dignitary. Though called sockmen they did not take their name from the plough, for it rarely appears that they held by plough service. The services rendered by the sockmen differed in different places, consisting of husbandry and other work, and some sockmen were less free than others. The sockmen in Kent in the reign of Edward the Confessor are chiefly to be met with as the owners and cultivators of the soil in Romney Marsh, and in the vicinity of the Weald. Thus, in Ham Hundred eleven sockmen held the district of Orlavestone [Orlestone]; and in the hundreds of Blackburn and Newchurch, and lath of Limowart, we find eighteen sockmen holding land of King Edward; and, without multiplying references, in the hundred of Longport, in the same lath, we find six other sockmen holding land of the same King. Now, these sockmen, or six-hind-men, could form their own borough or court, and it is not unreasonable to conclude that the services required from them was the drainage and embankment of the Marsh.

Larking's
Domesday,
pp. 142, 143,
145.

There was also a class between servile and free, called Læti or Leti; they were Germans, and had settled in Kent under the Roman government, and received lands (*terra laticæ*) to cultivate.

Next in order were the Villani and Bordarii; and as Mr. Larking bestowed much time and consideration on both classes, I propose to insert here his closing and concise summary of them.

"VILLANI.

"1. The tenantry of the *ut-lands* of the manor or vill—that is, the lands *not* held in demesne by the Lord—the 'Villenagium' lands. Ib. p. 168.

* Sir Henry Ellis says the word 'milites' does not appear to have acquired a precise meaning in the eleventh century.

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"2. As personally free, but not able to resign their holdings, or alienate them, without licence from their Lord; and, so far, *ascripti glebae*.

"3. As paying their rent partly in money, but mostly by defined periodical prædial service—such as finding ploughs, oxen, horses, and labourers to assist the husbandry of the demesne lands at specified periods. They had also sometimes to supply provisions for the Lord's house; but these were all determined amounts, and not at the Lord's will and pleasure; in fact, rent in kind; and this arrangement was almost necessarily made, from the smallness of the circulating medium.

"4. As gradually, in process of time, rising, by purchase or otherwise, to the position of freeholders, or at least copyholders, holding of their Lord by prædial services (converted, in later times, to money-rents), a fixed quit-rent, and by the homage and service, &c., &c., which still continues the custom in manors to this day."

"BORDARIL.

"1. The cottagers of the ville or manor; and that they were the labourers who, on specified days and seasons, assisted the *Servi* in the cultivation of the demesne lands, and the pastoral services required thereon; they also were bound to supply a certain amount of eggs, poultry, and similar produce, for their Lord's use.

"2. That they were not bondmen, inasmuch as they rented houses and lands on specified conditions; and further, that their services were not simply at the Lord's will and pleasure, but fixed and determinate. Still they were an inferior class to the Villani, and rarely, if ever, tenants of sufficient land to maintain an entire team; and their labours were greater on the demesne lands than those given by the Villans on *precarie*, or *boon-days*. As a class, they disappear from all records very soon after the period of the Survey [Domesday], having merged, perhaps, into the class *villani*, or having assumed the state of paid labourers rather than that of tenants."

Lambarde simply classes all the Anglo-Saxon Freemen under three heads: "an Earl or nobleman, the highest; a Thane, or gentleman, the middlemost; a Churl, or yeoman [*ceorl*], the lowest." "For bond servants," says he, "which we do now since call by a strained word, villains, are not here talked of."

Of the fair sex I will merely remark that they appear to have been well treated, and a proper deference paid to them by our Saxon ancestors, equal probably to what they now receive, less polished and refined no doubt, but not less sincere. The needle and the distaff supplied domestic occupation even to Princesses. Indeed, the Anglo-Saxons were so much accustomed to spinning that just as we in

legal phrase and by a reference to obsolete habits term unmarried ladies spinsters, so Alfred in his will with true application called the female portion of his family *the spindle side*. They could inherit and transmit landed property—they were permitted to sue and be sued in Courts of Justice. Their persons, safety, liberty, and property were protected by express laws. Their marriage contracts were very formal proceedings; and female chastity, even among the servile, was respected. Prohibition of marriage on account of too near relationship was enforced by the clergy, as we see in the well-known story of Edwy and Elgiva. Voluntary separations were allowed; in which case the wife, if the children remained with her, was entitled to half the property; but if they remained with the father her portion was equal only to that of one child.

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Turner,
Vol. III.,
p. 111.

As regards their children, we learn that infant baptism by immersion was practised. Infancy ended with the seventh year, and childhood began with the eighth, when they were encouraged to wrestle and practise other field sports; and between that age and fourteen they acquired most of the little "book learning" that any of them possessed—the education even of the better classes being in some respects more limited than that of the very poorest of our children in the present day. At fourteen they were taught and began to follow military pursuits, and the greater the retinue of youthful followers which the thane could collect, the more he would be appreciated by his Sovereign. Turner says that the education of the Saxons was much assisted by the emigration or visits of Irish ecclesiastics.

Vol. III., p. 17.

I will now refer to the unfree or servile portion of the community, deferring for the present the claim so often advanced that Kentish men were ALL free.

The pagan victor has in all nations claimed a right to the life of the vanquished; sparing that life, even the Christian of early times claimed the person, property, and services of his prisoner, who was reserved for household drudgery or sold at the arbitrary will of the captor.

Sax. in Eng.,
Vol. I., p. 186.

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Liberty was also forfeited by crime.* Then there was the serf by marriage, for where the freeman or freewoman contracted that bond with the slave, the free party sank to the condition of the unfree. There were also serfs, so rendered by the act of those who had a right to dispose of them, as where the father possessing power over the life of his child, could decide also whether that life should be freedom or bondage. Others were reduced to slavery by fraud or violence. And there were, lastly, slaves by birth.

The laborious and servile class was more numerous than the free, and their position must have been a degraded one. In the early times of Saxon England the traffic in slaves appears to have extensively prevailed, and we know that her sons were exposed for sale at the slave market at Rome. London also was a great mart of slaves: and in the borough of Lewes fourpence was paid to the portreeve for every man sold there. They were known by the names of "*theow*, *thræ*, and *esne*," and became the property of another without any social consideration, their masters being responsible for their delinquencies. Men were given away by will like stock or corn; we find even an archbishop bequeathing land to an abbey, with ten oxen and two men. On one occasion they are spoken of as if they had been actually yoked—"Let every man know his teams of men, of horses, and of oxen."†

Bede, lib. iii,
c. 7.

Wilk. Leg.
Sax., p. 47.

p. 408.

"It is a singular circumstance," says Mr. Wright, "connected with the Anglo-Saxon graves, that human bones are often found at the top; and the inexperienced excavator is thus discouraged by this discovery, sup-

* Throughout Kent (except in the districts of the Holy Trinity, St. Augustine's, and St. Martin), an adulterer became the slave of the King, and an adúlteress the slave of the Archbishop. In the excepted places the King had nothing.

The Rev. L.
Larking on
the 'servi.'

† In the recently published notes to Mr. Larking's edition of Domesday will be found some learned remarks on the "*servi*," with copious extracts from Mr. Kemble's Saxons in England, to which work I also am so much indebted. I may add that I can but regret that so gifted a man as Mr. Larking should, from some few isolated cases which came under his notice of the mal-administration of our modern poor-laws, have arrived at the conclusion that the Anglo-Saxon slave did not suffer more hardship and "helpless wretchedness" than the Kentish agricultural labourer of the present day. Had he been spared to publish his valuable work, I think it highly probable that he would have either erased these passages, or have materially altered them.

posing that the grave has been previously broken up; whereas, when he reaches the bottom, he finds that the original deposit has not been disturbed. I can only explain this by the supposition that they are the bones of slaves or captives slain as a propitiation to the shades of their master or mistress and thrown upon the grave. We know that the immolation of slaves at funerals was a common practice among the Teutonic races."

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Alfred, however, during his reign, was not unmindful of the condition of the slave; and though he could not emancipate him in the costly way his descendants did in the nineteenth century, he materially assisted the clergy in ameliorating his condition, by causing it to be enacted that if any one should *purchase* a Christian slave, the time of his servitude should be limited to six years, and that in the seventh year he should be free unless he chose to continue a slave.*

Thorpe,
Vol. I., p. 47.

The manumissions of slaves were of frequent occurrence, and were greatly promoted by the clergy. There were, however, civil as well as ecclesiastical manumissions, and a certain amount of dependence was often reserved. Thus we find Wihtraed of Kent, in the eighth century enacting as King of the Kentish men:—

"(8.) If any one give freedom to his man at the altar let him be folk-free; let the freedom-giver have his heritage, and 'wer-geld' and the mund of his family, be he over the March, wherever he may be."

Ib., p. 39.

The ceremony of manumission is supposed to have been generally performed at the church or its door, as an act of publicity. In the book of St. Petroc we find:—

"This book beareth witness that Ælraig bought a woman and her son [naming them] for half a pound, at the church door at Bodmin; and he gave to the portreeve and hundred-man 4d. as toll. Then came Ælraig, who bought these persons, and took them and freed them, ever sacles, on Petroc's altar, in the witness of these good men, that is, Isaac the priest, &c."

Cod., 981.

The following is a limited one, and continued only during the life of Bishop Siward, who was consecrated Bishop of Rochester A. 1058:—

"Here is made known, by this writing, that Ægelsi at Wouldham has, during the life of Bishop Siward, lent his daughter and her daughter out

Cod., 975.

* Though this provision appears in the preface to Alfred's laws, it is doubtful whether it was ever made the law of the land.

CHAP. XVI. of Tottell's family, and has put other serfs therein, with the witness of the township of Rochester, and all the friends of the bishop."

This is very short and comprehensive :—

"I will that all my serfs be free for my sake and the sake of them that begot me." [LEOFGYFU.]

Names.

Names were imposed, as with us, in infancy, by the parents; Egbert, "bright eye;" Ethelbert, "noble and illustrious;" Ælfred, "an elf in council;" Dunstan, "the mountain stone;" Ælgiva, "the elf favor;" Eadgiva, "the happy gift." Permanent surnames were not much in use until after the Norman conquest. Appellations were, however, often added to the Christian names. Thus we find in Godwin's charter, a gift to Leofwine the Red. Sometimes a person is designated from his habitation; as, Lífing at Malling, Leofstán at Mersham, and Wulfstan at Saltwood. At other times, the office held by the individual is used to distinguish him; as, Leofric, shiresman.

Agriculture.

When the Anglo-Saxons invaded Britain they settled in a country where agriculture had been fostered under Agricola and his successors, until our island was classed among the Western granaries of the Roman Empire, and the Anglo-Saxons soon became an agricultural people. We, however, find no mention either of the export or import of grain. We may, therefore, infer that if they did not become exporters, the supply of cereals was equal to the demand, as less is recorded of famine and its attendant disease among the Anglo-Saxons than among other contemporary nations; although the oft repeated invasions on our Kentish shore, added to the internal feuds of the inhabitants, must still have interfered materially with the cultivation of the soil, for victory and defeat still followed each other in rapid succession throughout the Saxon era.

Lappenberg,
Vol. II, p. 358.

A.D. 720.

The partition of the land favoured small holdings, which materially encouraged tillage, rendered in some measure compulsory; for by the laws of King Ina it was provided that the holder of twenty hides of land should show or deliver up twelve hides of cultivated or arable land when

he wished to quit ; and he who had only three hides had to show one and a half. Most of the implements in use bore Anglo-Saxon names, which affords further evidence that agriculture was fostered. The Anglo-Saxon graziers were careful of their stock, and were prohibited from shearing their sheep until Midsummer. The value of a sheep was declared to be one shilling until a fortnight after Easter ; but the animals most in use were swine.

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It must be remembered that very extensive districts in Kent were still forests, woods, marshes, pools, and sloughs. The cattle and swine were therefore turned into the forests and woods, and the cultivators of the soil not possessing the modern appliances of draining the land, tried to turn the excess of water to the best account by producing fish* from the ponds, pools, and sloughs of the county. Thus we find sticks of eels often reserved as rent, every stick containing twenty-five eels. A marsh was let at a rent of 2,000 eels. The inhabitants appear to have had a great partiality for them. Four thousand eels were a yearly present from the monks of Ramsey to those of Peterborough ; while eel dikes are often mentioned as defining the boundaries of lands. Eels were also reserved as rent for their fisheries, as we shall presently see.

3 Gale, 456.

Fisheries appear to have been established on the banks and in the vicinity of the Medway skirting the forest, for we find two at Maidstone, six at East Farleigh, four at Yalding, one at Nettlested, one at Watlington, two at Mereworth, and twelve at Hadlow. The rent reserved for these fisheries was either paid in money or eels. Thus in Farleigh 1,200 eels are reserved, and in Yalding 1,200 all but twenty. Ethelbert of Kent, in A.D. 740, gave to the monastery of St. Mary at Liminæa (Lympne) the fishing at the mouth of the river Limen, and the part of the country in which is situate the Oratory of St. Martin, with the houses of the fishermen, with land for the pasturage of 150 cattle near the marsh which is called

Fisheries.

Cod. 86.

* We have seen that sea-fishing was unknown in Sussex until the close of the seventh century. Ante, pa. 67.

CHAP. XVI. Biscop's wic, as far as the wood called Rip, to the boundary of the South Saxons (Sussex), as the Roman præfects used to hold it, of which monastery the Lord Archbishop Cuthbert was then Abbot.

Seafishing, at first but little practised, became better understood and in the course of time rapidly increased, so that there were no less than thirty-two fisheries in the hundred of Milton and Sittingbourne, eight at Seasalter, and a new fishery at Monckton in the Isle of Thanet, while Sandwich yielded 40,000 herrings for the refectory of the monks at Christ's Church, Canterbury.

The cereals chiefly cultivated were rye, barley, wheat, and oats. The latter were made (as at present in Scotland) into cakes for food. A considerable quantity of barley was brewed into beer or ale. Good beer was highly esteemed by the Anglo-Saxons.* Their food was that mixture of animal and vegetable diet which always attends the progress of civilization. Horseflesh, which until recently has been rejected, appears to have been used, though it was discountenanced as human food in the councils held in the eighth century. "Many among you eat horses, which is not done by any Christians in the east. Avoid this." What gave rise to this prohibition? Was such feeding a relic of paganism?

Vines. Vines were cultivated in different parts of the county, and wine of native growth was formerly much used in England. We learn from Domesday that at Chart Sutton (situate partly in the Weald) there were "Three arpents † of vineyard." Its position and southern aspect would favour the growth of grapes. Leeds (near Maidstone) also had "Two arpents of vineyard." At later periods, Halling, Teynham, Godinton (in Great Chart), and other places,

Ellis's Introd.,
Vol. I., p. 203.

* By one of the by-laws of Chester it was provided that every man or woman brewing adulterated beer should forfeit four shillings or be placed on the cucking stool.

Tomlins.

† Mr. Larking writes the word 'arpend:' while Sir Henry Ellis and other writers adopt 'arpent.' Vineyards were measured by the arpent. According to the old French account, 100 perches made an arpent. The most ordinary acre, called '*l'arpent de France*,' is 100 perches square.

are mentioned as possessing vineyards. Twyne, in his Treatise de rebus Albion, says of North-holmes [adjoining Canterbury]; Fishpoole [between Littlebourne and Canterbury]; Littlebourne, and Coningbrooke [between Willesborough and Kennington]; all parcel of the possessions of Christ Church, Canterbury—" *Vineis olim destinabantur.*" Smithfield, as well as Holborn, in London, also had their vineyards; and so had very many other towns. From this wide cultivation it has been inferred that much rougher or sourer wines than those now in use were then drunk, mixed with sweet ingredients; and that we are not to attribute the discontinuance of the cultivation of the vine to any unfavourable change in our climate, or to a deterioration of soil resulting from constant tillage. Agard first started a doubt whether by *vineæ* we were not to understand orchards. The subject was fully considered in the Archæologia of the Society of Antiquaries, and it has been satisfactorily proved that true and proper vineyards only could be intended. In corroboration of this, we find Edgar giving the vineyard situate at Wecets,* with the vine-dressers. And by the laws of King Alfred (26), "If any one injure another man's vineyard, let him make 'bot' [compensation], as it may be valued."

Saltworks were numerous, particularly in those districts lying along the coast and near to the forest. Wood, we have seen, was granted for the boiling of the salt. The works on the coast were ponds and pans for procuring marine salt by evaporation, while those in more inland parts were what are called the refineries of brine or salt springs. Thus, in addition to the cases already noticed, we find that in A.D. 792 Ethelbert of Kent gave Abbot Dun a quarter of a ploughland at Lympne, where there were saltworks, that is, evaporating pans; and added to it a grant of 100 loads of wood per annum necessary to the operation. In A.D. 798 Eadbert includes saltworks in a grant to Rochester; and Coenulph does the same in A.D. 812 and A.D. 814 in grants to Canterbury.

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Lappenberg,
Vol. II., p. 360.Ellis's Introd.
to Domesday.

Cod., 1239.

Turner,
Vol. II., p. 524.

Saltworks.

Sax. in Eng.,
Vol. II., p. 70.

* Most probably Watchet, in Somersetshire

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Though the saltworks in Cheshire were deemed the most important, Sir Henry Ellis says there were no less than 285 salinæ in Sussex (Lapenberg calls the number 985), which were supposed to have been more productive than those in the interior of the country. Besides those we have referred to, there were several others in Kent, including twenty-seven at Milton, one at Tunstall, two at Faversham, one at Ospringe, and two at Stone, near Faversham.

Trades.

By degrees the manumission of the slave increased the number of the working community. Some of them became the occupiers of land under the clergy for which they paid an annual *gafol* or rent, while others resorted to these burghs and towns; and as the King was the Lord of the free they resided under his protection and became free burghers, and for the houses they occupied they paid him rent or rendered other services. Thus in Canterbury Edward the Confessor had fifty-one burgesses paying him *gafol* or rent, and 212 others over whom he had legal jurisdiction, viz., burgesses rendering suit and service to his Court.* The King had also burgesses at Romney who rendered services at sea, and in return enjoyed the same exemptions and privileges as Dover and Sandwich. To Salteode [Saltwood], belonging to the Archbishop, no less than 225 burgesses of the borough of Hede [Hythe] pertained, and six other burgesses of Hythe pertained to Leminges [Lyminge]. Burgesses of Romney pertained also to Aldington, one of the Archbishop's manors; and rents in money or kind were reserved in these and other similar cases to the Sovereign or to the Sees of Canterbury or Rochester. Thus at Dover, when the King's messengers arrived they gave for the passage of a horse threepence in winter and twopence in summer; but the burgesses had to find the steersman or pilot and one other

Turner,
Vol. III.,
p. 104.

Larking's
Dom., p. 105.

Ib., 103.

Dom., 96.

* Mr. Larking renders it "over whom he had *saca* and *soca*." *Saca* was the power of hearing and determining causes, levying fines, and administering justice, and *soca* was the territory or precinct in which the *saca* and other privileges were exercised.

to assist; if the messenger wanted more it was at his own cost. These services and charges, says Turner, were sometimes most rigorously exacted, and he instances the case of Hereford, where if anyone wished to retire from that city he might with leave of the *geréfa* sell his house if he found a purchaser willing to perform in his stead the accustomed services, and in this event the *geréfa* had the third penny of the sale. But if from poverty these services could not be performed, he was compelled to abandon his house to the *geréfa* without any consideration, who took care that it did not long remain empty that the King might not lose his dues. This state of subjection had some advantage over the condition of the more servile, as the exacted burthens were certain and were never very oppressive; and the burgesses of Canterbury appear to have prospered under the system. We find they had acquired property outside their city walls previous to the Norman conquest, for it is recorded in Domesday that they had forty-five messuages outside the city *of which they themselves had the gafol and custom*, but the King had the *saca* and *soca*; and they had also thirty-three acres of land of the King for their gild.

CHAP. XVI.
Vol. III.,
P. 106.

In carrying on their trades very little provision was made, except for the wants of the neighbourhood. One of the most important was the smith—war and agriculture both required him; and the carpenter was equally in demand.

The art of glass making was unknown in England in the seventh century, when Benedict, the Abbot of Weremouth, procured men from France, who not only glazed the windows of his church and monastery but taught the Anglo-Saxons their craft.

Bede,
Hist. Abb.,
225.

The embroidery and other works in gold of the Anglo-Saxons, male and female, who herein strikingly prove their kinship to the Angles of the Continent, excited the admiration even of the Greeks and Saracens. Very elegant workmanship has been preserved of the time of Alfred. A peculiar gold embroidery was devised for the

Lappenberg,
Vol. II., 364.

CHAP. XVI. use of the King and Queen. The Germans, skilled as they were in those arts, came to England to learn them.

Cloth weavers were established at Stamford, and madder was imported from St. Denys for dyeing red.

Laws of
Æthelbert.

Commerce was encouraged, and the ships of a merchant (even when of a hostile country) found protection in our Kentish ports, where they had been driven in by tempest.

Wright, p. 444.

Richborough (Rutupiæ) appears to have been at this time the most frequented of them. The foreign merchants were

Lepp., 365.

compelled to expose their merchandise for sale on board their ships, in exchange for which they took our wools, which were then becoming the great staple commodity of Kent, and the royal revenue was thereby enriched. The principal marts of the shire were at Canterbury. The clergy had a distinct one and were the greatest merchants. An inferior class, which we should now call pedlars, traversed the country with their packs.

Gilda.

Gilda, or social confederations were also established at Canterbury and Dover, and different ranks had different gilda. Dover must have been more of a mercantile gild than Canterbury. They constituted a mutual fraternity, somewhat similar to the clubs, lodges, and benefit societies of the present day. Dover and Sandwich undertook to provide Edward the Confessor with twenty ships, each to be manned with twenty-one men, for fifteen days in each year, in return for having granted to them *saca et soca*, or the privilege of holding their own courts and administering justice therein, &c., &c.

Turner,
Vol. III., p. 99.

Mints.

Mints were established in several cities and towns. Thus we find in the laws of Æthelstan that they had the privilege of coining at Canterbury and Rochester. In Canterbury there were seven 'moneyers'—four of the King's, two of the Bishop's, and one of the Abbot's. In Rochester there were three—two of the King's and one of the Bishop's. No mint was allowed outside the gates of the city.

When the money was thus coined certain dues or royalties were paid to the Sovereign. But though we have

ample evidence about the mints, we have no very perfect information of the value of Anglo-Saxon money. The best-known early Anglo-Saxon coins are called Sceatas;* they are of silver, and have been found in considerable numbers at Richborough, Reculver, and other places in East Kent. Whether they had gold coins is a disputed point, but foreign gold coins have been found in the great cemetery at Sarre, near Minster, described in the *Archæologia Cantiana*. In Northumbria a small copper coin, called styca [of the value of half a farthing] was in use; and in Wessex and Mercia different monetary calculations prevailed. In the former State the pound (*pund*) consisted of forty-eight shillings; in the latter, of sixty shillings of fourpence each. The silver in the more ancient shilling surpassed that in the modern shilling by about one fourth. The shilling (*scilling*) was a piece of uncoined silver which when coined would make five of the larger pennies and twelve of the smaller. Besides these we have mention in charters of the mancus or marc of ten *hid*, which *hid* was of the value of thirty pennies, or six shillings, and of the Danish ora† of sixteen pennies. Another coin, the thrymsa, was equal to threepence Mercian. From the laws of Alfred it is clear there were two sorts of pennies—the greater and the less, or, as we might now say, pence and halfpence; but the payments mentioned in Domesday accord with our present pecuniary calculations. Though the Anglo-Saxons appear to have had plenty of gold, none of their gold coins have reached modern times. The pound must have been used as a mere denomination, and

CHAP. XVI.
Wright, 436.

Lappenberg,
p. 367.

* About the fourth part of a pening, or 2½d. for 240 peningas, were equal to 960 sceatas. In Mercia a sceat was not quite equal to a pening, for 240 peningas were equal to 250 sceatas. Perhaps the sceat was the smaller penny, a little less than the value of the English penny. The sceat and scylling seem to have been the money of the Saxons in Pagan times, before the Roman and French ecclesiastics had taught them the art of coining. The name was often used as a general term for money. To pay your *sceat* was literally to pay your reckoning, corrupted into the modern ale-house phrase of paying your shot.

† "There were two sorts of ora," says Bosworth. "The greater contained twenty peningas or fifty pence, and the less sixteen peningas or forty pence." Spelman, in his life of Alfred, conjectures that it was a nominal coin.

Bos. A. S.
Dict.

Ib.

CHAP. XVI. gold and silver must have passed in an uncoined state by weight. Lappenberg considers the Anglo-Saxon shilling to have contained four pennies only.

Markets. The grant of a market, with powers to levy tolls, was a royal prerogative; and markets were granted by kings to bishops with the tolls and market dues, when the Clerk of the market was often an ecclesiastic.

We have no evidence as to the precise period when public markets were established; but the severity of the Anglo-Saxon laws against theft, and the necessity that every man should be able to prove his legal right to what he possessed, in the course of time multiplied their number.

**Ellis's Introd.
to Domesday.**

**Somner's
Canterbury,
p. 244.**

Vol. III., p. 77.

p. 437.

In addition to the gilds, we meet with two markets in Kent; this being about the same number as will be found in other shires previous to the Norman conquest. One was at Favresham (Faversham), called in a charter of Cenulph in 812, the King's little town of Fevresham—" *In partibus suburbanis Regis oppidulo Ferresham dicto*," and it continued part of the Royal possessions in the reign of Alfred, and so on to William the Conqueror. The other was at Newedene (Newenden), in the Forest of Andred, and on the banks of the Rother, which flows along the southern boundary of it for two miles. Newenden was originally, says Hasted, given by Offa to Christ Church, Canterbury, by the name of Andred to feed their hogs with, but he gives no authority for this, and I have not met with the charter. Quoting Somner, I may state that in the reign of the Confessor it had become part of the demesnes of the Archbishop as an appendage to Saltwood, and was held by one Leofric.

Thus we find two markets, and these situate at the north and south extremities of the shire. Part of Newenden (including the site of the Church) continued to be called the township of Newenden, and was exempt from any hundred having a villicus (bailiff). From all these circumstances I am disposed to attach greater importance to this spot than many modern writers are inclined to do. The Rother must originally have formed the boundary of

the two kingdoms of Kent and Sussex, (with its subsequent deviations) as it now forms the boundary of the two counties; and if Newenden was not the site of the ancient Roman city of Anderida, the more the opinion I have ventured to express at the close of the sixth chapter of this work is strengthened, viz., that it was formerly the site of the *British* city of that name.

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In the chapter on the journey through Britain in Mr. Wright's work of "The Celt, the Roman, and the Saxon," when referring to the road from Regnum,* represented by the modern Chichester, he says the traveller would then be carried to the important port of Anderida, "which," he adds, "there can hardly be a doubt is Pevensey." He then proceeds:—"A road went thence across the Weald to *Noviomagus ad Londinum*, having a station in the midst of the forest which from it was called *Silva Anderida*." He does not, however, quote any authority, nor does he say where this station was. We find no mention made of any other place in this immediate vicinity, and from its peculiar position there appears not to have been a spot better adapted for a station. A market in such a thinly populated district as the Weald must have been a boon to the inhabitants. The internal communication was yet most imperfect, and the Anglo-Saxon laws did not befriend pedlars and petty chapmen, but endeavoured to confine all bargaining as much as possible to towns.

CH. IV., p. 143.

The tolls paid (*thol*) were claimed by the King not merely for the liberty of buying and selling, or keeping a market; but they were also a tribute or custom for passage, from which the Sovereign would grant occasionally an exemption.

Tolls.

Thus as early as the eighth century we find Ethelbald of Mercia granting to a monastery in Thanet exemption from toll throughout his kingdom for one ship of burthen, which Eadbert, in 761, extended to London, Fordwic (Fordwich), and *Scorre* (Sarre); also, to the Bishop of

Codex, No. 84.

Ib. No. 78.

* His authority is supposed to be Richard of Cirencester, a very questionable one.

CHAP. XVI.

Cod. 737.

Vide also
Kemb. Sax.
in Eng.,
Vol. II., p. 76.

Fairs.

Cities, Towns.

Sax. in Eng.,
Vol. II., p. 296.

Ib., p. 340.

Rochester the exemption of toll of one ship, whether his own or another's, in the same ports. Canute gave the harbour and tolls of Sandwich to Christ Church, Canterbury, together with a ferry. Under Harold this right was attempted to be interfered with by the Abbot of St. Augustine's, who at last even went so far as to dig a canal in order to divert the channel of trade; but the monks of Christ Church nevertheless succeeded in retaining the property. The burgesses of Dover are represented in the time of Edward the Confessor as being free of toll throughout England.

Fairs were at this time of little repute; only one is mentioned throughout Domesday.

Mr. Kemble and Mr. Wright both remark that it is unfortunate that we possess so few documents which throw any light on the condition of our towns at this period, which were to be found in the greatest number on our Southern coast. Few of them appear to have perished while the Saxons were settling themselves in Britain. Anderida, we have seen, is almost the only recorded instance of a fortified city falling by violent breach; and in this case, says Kemble, "So complete was the destruction that the ingenuity of modern enquirers has been severely taxed to assign the ancient site." It was, however, the country and not the town which regulated the form of life and early institutions of the Anglo-Saxons. Their streets appear to have borne the names of particular trades or occupations carried on in them, such as Fellmonger, Horsemonger, Fleshmonger, Shoewright, Shieldwright, Tanner, and Salter Streets, and the like.

"Let us," proceeds Mr. Kemble, "place a cathedral and a guildhall, with its belfry, in the midst of these streets; surround them with a circuit of walls and gates, and add to them the common names of Northgate, Southgate, Eastgate, and Westgate—here and there let us fix the market and its cross, the dwellings of the bishop and his clergy, the houses of the Queen, and perhaps the courtiers, of the principal administrative officers and of the leading burghers; above all, let us build a stately fortress to overawe or to defend the place, to be the residence of the *geréfa* and his garrison, and the sites of the courts of justice; and we shall have at least a plausible representation of a principal Anglo-Saxon city."

Canterbury was a place of considerable importance at this time, from the fact that it had, as we have seen, its "seven moneyers" or mints, besides its King's geréfa or sheriff, its Bishop's geréfa, and also its Burh geréfa, freely elected by the citizens, who not only administered justice in the burhwaremot, but, if necessary, led the city trainbands to the field, by which it was in some measure protected against the arbitrary will of a noble or bishop.

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We have already spoken of the gilds or clubs which existed in the cities and towns.

CHAPTER XVII.

ANGLO-SAXON LAND TENURES. THE WITAN. SHIRE-
MOTES AND FOLKMOTES. TRIAL AND THE ORDEAL.

CHAP. XVII.
—
Anglo-Saxon
tenures.

WE will now speak of the landed property of the county, and the tenure under which it was held;* and here let me request the reader not to confound the Anglo-Saxon with the Norman tenure. The distinction is too often lost sight of; but the fact is that the former was comparatively free, while the latter, or the feudal tenure, was one of strict dependence. The earliest Saxon division was into (1) Crown land; (2) Allodium land; (3) Folkland; (4) Bocland; and (5) Lænland.

(1) The crown land comprised that portion of the conquered country and spoil which was set apart for the Sovereign or chief, who placed in each vill or wic where he possessed property a *villicus* or *wicgerefa*. These places were distinguished as Royal vills, such as Wye, Eastry, and Milton; and the officer (subsequently known by the Norman term bailiff) superintended the management and cultivation of the soil and watched over the king's interests; in short, represented him. The Sovereign, as we shall see, was also usually possessed of private estates,

* We have no proof that Hengist, when he took possession of Kent, divided portions of the soil among his followers by the casting of lots; but we may infer that he did so, after taking care of himself, for such appears to have been the usual practice among the earliest formations of German settlements. Mr. Turner says, "It is highly probable that the Saxon war-cyning [King, the son or child of the nation] succeeded to all the rights of the monarch he dispossessed, and in rewarding his companions and warriors with the division of the spoil, it can be as little doubted that from those to whom the cyning or the witen gave the lands of the British landowners, a certain portion of military service was exacted in order to maintain the conquest they had achieved."

which did not merge in the Crown and were under his absolute control. CHAP. XVII.

(2) After thus providing for the Sovereign, or chief, portions of land, varying no doubt in quantity, were set apart for his new settlers or followers. These, which consisted of arable land, constituted the allodium, or alod land. It formed the lot or share of the first settlers; and the smallest portion allotted was one that was deemed sufficient for the support of one family, and would keep a plough at work during the year. The pastures and the marshes, constituting chiefly what we should now call commons, or unreclaimed lands, with the woods and forests, were reserved for the maintenance of cattle, and remained in undivided possession among the whole of the freemen; but it was the *arable allotment* which conferred the right to participate in the advantages of these commons, woods and forests, or folcland, which (unless afterwards converted into bocland) did not, we shall see, become absolute property in the hands of the individual possessors, for the ownership remained in the State.

Sax. in Eng.,
Vol. I., pp. 92,
118.

(3, 4) Next in order were the folclands and boclands; and as Mr. Thorpe, in his "Glossary to the Ancient Laws and Institutions of England," has so ably defined them, I feel no apology is necessary for adopting his account.

"FOLC-LAND, 'The land of the folk or people.' It was the property of the community. It might be occupied in common, or possessed in severalty; and, in the latter case, it was probably parcelled out to individuals in the *folgemot* or court of the district, and the grant sanctioned by the freemen who were there present. But, while it continued to be folcland, it could not be alienated in perpetuity; and therefore, on the expiration of the term for which it had been granted, it reverted to the community, and was again distributed by the same authority.

"Folcland was subject to many burthens and exactions from which bocland was exempt. The possessors of folcland were bound to assist in the reparation of royal villas, and in other public works. They were liable to have travellers and others quartered on them for subsistence. They were required to give hospitality to Kings and great men in their progresses through the country, to furnish them with carriages and relays of horses, and to extend the same assistance to their messengers, followers, and servants, and even to the persons who had charge of their

CHAP. XVII.

hawks, horses, and hounds. Such at least are the burthens from which lands are liberated, when converted by charter into bocland.

"Folcland might be held by freemen of all ranks and conditions. It is a mistake to imagine, with Lambarde, Spelman, and a host of antiquaries, that it was possessed by the common people only. Still less is Blackstone to be credited when, trusting to Somner, he tells us it was land held in villenage by people in a state of downright servitude, belonging, both they and their children and effects, to the lord of the soil, like the rest of the cattle or stock upon the land.—(*Blackstone*, II., 92.) A deed published by Lye exposes the error of these representations.—(*Anglo-Saxon Dict.*, App. II., 2.)

"BOC-LAND, land held by book or charter. It was land that had been severed by an Act of the Government from the folcland, and converted into an estate of perpetual inheritance. It might belong to the Church, to the King, or to a subject. It might be alienable and devisable at the will of the proprietor; it might be limited in its descent without any power of alienation in the possessor. It was often granted for a single life, or for more lives than one, with remainder in perpetuity to the church. It was forfeited for various delinquences to the State.

"Estates in perpetuity were usually created by charter after the introduction of writing, and on that account bocland and land of inheritance [the allodium land] are often used as synonymous expressions. But at an earlier period they were conferred by the delivery of a staff, a spear, an arrow, a drinking horn, the branch of a tree, or a piece of turf; and when the donation was in favour of the Church, these symbolical representations of the grant were deposited with solemnity on the altar. Nor was this practice entirely laid aside after the introduction of title deeds. There are instances of it as late as the time of the Conqueror. It is not, therefore, quite correct to say that all the lands of the Anglo-Saxons were either folcland or bocland. When land was granted in perpetuity it ceased to be folcland, but it could not with propriety be termed bocland, unless it was conveyed by a written instrument.

"Bocland was released from all services to the public,* with the exception of contributing to military expeditions and to the reparations of castles and bridges. These duties of services were comprised in the phrase of *trinoda necessitas* which were said to be incumbent on all persons, so that none could be excused from them. The Church, indeed, contrived in some cases to obtain an exemption from them, but in general its lands, like those of others, were subject to them. Some of the charters granting to the possessions of the Church an exemption from all services whatever are genuine, but the greater part of them are forgeries.

"Bocland might, nevertheless, be subjected to the payment of an annual rent to the State by its original charter of creation, and might be held by freemen of all ranks and degrees.

"The estates of the higher nobility consisted chiefly of bocland.

* This is doubted, except in the grants to churches and privileged persons.

Bishops and abbots might have bocland of their own in addition to what they held in right of the Church. CHAP. XVII.

"The Anglo-Saxon Kings had private estates of bocland, and these estates did not merge in the crown, but were devisable by will, the subject of gift, or sale, and transmissible by inheritance, in the same manner as bocland held by a subject."

(5) The thanes, or other owners of these different classes of estates, first reserved for themselves sufficient for the homsteads and farms and the dwellings of their dependants, consisting of *cottarii* and *servi*, who by labour in their various departments supplied the daily wants of their respective chiefs; and the remainder of the land was leased out to those who had no land, and often on harsh and onerous conditions. This land the Saxons called *Læn* or loan—as it was considered to be lent. It was often granted for lives, especially by the ecclesiastics;* but in the case of folcland the lessee could, of course, only grant a lease commensurate with his own term or estate.

Thus we have the original *alod*, the lot or share of land of the chief or King and his companions in arms who were the first settlers; the *folcland*, or property of the community; the *bocland*, or land held by book or charter, severed from the folcland by an Act of the State or Government of the day, and converted into an estate of inheritance; and the *læn-land*, or the land which could be let and granted out of each of the others. The allodium land and bocland are by Spelman, Somner, Hasted, and other writers frequently classed together, and these writers speak only of bocland and folcland, which is no doubt incorrect. Mr. Kemble and Mr. Thorpe appear to agree on this point. Bocland formed no part of the family inheritance, and the owner could dispose of it as he pleased, whereas the paternal inheritance, the original allodium land, could not be left away from the family.

* Leases for lives have always prevailed more in the West of England than in the South. Very little land has ever been held in Kent under leases for lives. The Rectorial tithes of Wye, however, are still held in this manner by Mr. Drax, M.P., under the Ecclesiastical Commissioners, as part of the possessions of the See of Canterbury; and the late Earl of Guildford held considerable property of the Dean and Chapter of Canterbury, in Romney Marsh, under a Lease for lives which expired at his death, in 1861.

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Elton on the
Tenures of
Kent, p. 225.

Larking's
Domesday,
p. 117.

Elton, p. 65.

Gavelkind.

Deut. xxi.,
v. 15.

Passing over, as I must necessarily do, the long interval of time which elapsed between the first Saxon settlement in England and the reign of Edward the Confessor, and considering only the broad and general division of the soil, we find that on the eve of the conquest what then constituted cultivated lands in Kent were of two kinds, allodial and socage. The allodial was held by the Sovereign, the Church, the thanes, and the gentry, and formed about one-third of the entirety; such, for instance, was West Peckham, which was held by Earl Leofwin, who fell with his brother Harold II., at the battle of Hastings, and the king had at that time "three denes of that manor in the Weald, where four villeins resided." The burgesses of Canterbury were also the allodial tenants of the king in respect of four score acres of land in that city. The king received from these tenants in Kent pecuniary mulcts, and was entitled to a relief at death. All this was changed at the conquest, when the rights of the allodial tenants were forcibly extinguished. Instead, they were made feudal tenants in capite, except where certain monasteries were permitted on petition to retain the old tenure of free alms or francalmoigne, and to remain as nearly allodial as the feudal law would sanction.

The socage land, or remaining two-thirds of the entirety, was gavel-land subject to rent and service.

Having mentioned gavel-land, it may be convenient here to refer briefly to what is known as the tenure, but more generally called the Custom, of Gavelkind,* which has existed in Kent possibly from the time of the Britons, but certainly from the time of the Saxons and Danes to the present day, and is the Common Law of the county, by which land descends to and is inherited by all the sons equally. It was the form of descent or succession which the Almighty prescribed for his chosen people, the Jews,

* Somner, in his treatise on Gavelkind, devotes forty-seven pages to the consideration of whether it is a tenure or custom, and concludes that it is a tenure. Mr. J. D. Norwood, of Ashford, edited the last edition of Mr. Robinson's treatise on Gavelkind, in 1858.

(except that with that nation the eldest had a double portion) and it has been preserved in Kent to this day. CHAP. XVII.

I will not enter on the perplexing etymology of the word Gavelkind, but merely remark that one class of our legal luminaries conjecture that it is founded upon the nature of the descent, to all the sons equally, and not to the eldest* by the right of primogeniture; whilst the other class contend that it is founded on the rents and services issuing out of the land.

But as I shall have occasion again to notice this tenure, I will only further observe here that the presumption of law is that all lands which in this county were anciently and originally holden in socage tenure are Gavelkind, and descend to all the sons equally, being the same class of lands which in other counties are also called socage lands, and descend to the eldest son. Gavelkind is in truth "*the tenure of socage according to the customs of Kent*;" and this tenure cannot now be changed and the custom extinguished but by Act of Parliament, whatever power the Sovereign and Archbishop of Canterbury might anciently have had. But I would remind the reader that though all ancient socage lands in Kent are now of Gavelkind tenure, yet previous to the Conquest there were socage tenants of an inferior order, such as the *bordarii*, who tilled the inland and were not then included in the privileges of Gavelkind; but the tenure gradually spread over all the lands in the shire which had been even of the lowest species of socage, and was, and still is, recognized as "*the common law of Kent*." Elton, p. 45.

In closing my remarks on the tenure of the landed property of this county at this period of our history, it may be stated on the authority of Spelman, Bracton, and Blackstone, that some of the essential parts of the feudal system (called by Mr. Elton imperfect or unripe feudalism, existing in embryo) which had now spread itself over Ib., p. 110.

* It is generally admitted that primogeniture was not known in this country anterior to the Norman Conquest. --*Robinson on Gavelkind*, by *Norwood*, p. 11.

CHAP. XVII. — nearly the whole Continent of Europe, no doubt prevailed here, but it was not universally received in this Island until the arrival of the Normans.

Lingard's
Hist. of Eng.
Vol. I., p. 197.

It is worthy of remark (if Domesday is to be relied on) that out of the 430 estates described as lying in Kent, not fewer than 194 (nearly one half) belonged to Edward the Confessor ; and that the remainder was unequally divided among the Archbishop of Canterbury, the Bishop of Rochester, the two Abbots of St. Augustine and St. Martin ; the Queen Edgitha, the Earls Godwin, Harold, Leofwin [Lewin], Alnod child, Brixi child, and Sbern Biga. These eleven were the great tenants in chief, the king's principal thanes, the real peers of the shire ; and we shall find this number of eleven tenants in chief kept up by the Conqueror when he re-distributed the county, omitting the name of the King himself (who should not be classed with the tenants), and omitting also the monks of the Archbishop, who do not appear to have held any land in Kent.

Henshall's
Kent, p. 20.

The Witenage-
mót.

The great assembly or supreme council of the realm was called the Witenagemót (literally, the meeting of the Witan or Councillors of the nation), founded upon the public meetings or councils of the Germans, from their very first appearance in history.

As long as Kent continued an entire kingdom, the attendance of the Witan or what might *then* be termed a Folk-mote, at any given place in Kent, was no great hardship ; when, however, it became united with other counties, and when its members were called upon, as they frequently were, to attend at one of the royal residences, beyond the limits of their own shire, it may naturally be inferred that the freemen, as a body, were not unwilling to commit their interests to the caldormen, scirgeréfa, the reeves and thanes, and the ecclesiastics, distinguished for their wisdom, most of whom had influence with the Sovereign, and were connected with him by blood or marriage, from whom he looked for assistance in cases of emergency ; especially as they knew the wants of their several localities.

Easter and Christmas were the usual times for these meetings; but whether they assembled by royal summons or by usage at these or other stated periods is a matter of doubt; and without speculating on who constituted the supreme council before the introduction of Christianity, or whether the members were originally elected or not, it will be sufficient for my purpose to state that the Saxon charters, commencing with the seventh century, give almost the only reliable information respecting the composition, powers, and functions, of the Witena-gemót.

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It appears to have been composed of the King, Æthelings or princes of the blood, archbishops, bishops, abbots, dukes or ealdormen, sometimes even priests and deacons, and generally of a large attendance of *milites*, *ministres*, or *thanes*, many of whom were royal officers, *geréfan* and the like, in the shires. They did not constitute an elective body of representatives, such as we now have. In short, the *Commons of England*, as we in the present day understand the expression, is a widely different assembly from the Anglo-Saxon Witena-gemót. Their powers have been most ably classed by Mr. Kemble, under the twelve following heads:—

Thorpe's
Glossary,
Vol. II.

Brady's Tracts,
p. 10.

“(1) First and in general, they possessed a consultative voice, and right to consider every public act, which could be authorized by the king.

Sax. in Eng.,
Vol. II., pa.
204.

“(2) They deliberated upon the making of new laws, which were to be added to the existing *folcright*, and which were then promulgated by their own and the king's authority.

“(3) They had the power of making alliances and treaties of peace, and of settling their terms.

“(4) They had the power of electing the king.

“(5) They had the power to depose the king, if his government was not conducted for the benefit of the people.

“(6) The king and the Witan had power to appoint prelates to vacant sees.

“(7) The king and the Witan had also power to regulate ecclesiastical matters, appoint fasts and festivals, and decide upon the levy and expenditure of ecclesiastical revenue.

“(8) The king and the Witan had power to levy taxes for the public service.

“(9) The king and the Witan had power to raise land and sea forces, when occasion demanded.

“(10) The Witan possessed the power of recommending, assenting

CHAP. XVII. in, and procuring peace of soul, and of permitting the execution of judicial and military law, the witan.

"(1) They possessed the power of adjudging the kinds of offences and measures to be taken in the case.

"(2) Lastly, they acted as a supreme court of justice, both in civil and criminal cases."

The authorities given by Mr. Kemble in support of this classification, as far as *ancient Kent*, may be thus briefly noticed.

"When Christianity was introduced into Kent, Ethelbert by his laws recognised it, and the Christian priesthood and Bible lectures it was entitled by a solemn act of the *Witan*—*conilio sapientum*."

Hist. Eccl.
I. 28.

"The prototype of the law of *Witired* lectures—

"These are the words of Witired, king of the men of Kent." "In the reign of the most Clement king of the men of Kent, Witired, in the fifth year of his reign, the ninth indiction, A.D. 486, the sixth day of the month August,* in the place which is called Birghamsted, *Bosworth*, near Manselme, where was assembled a deliberative convention of the great men including the King, the high bishop of Britain, the bishop of Rochester, and every degree of the Church in that tribe."

They made lectures, and added them to the lawful customs of the men of Kent. Other kings including Alfred did the same. So that it may be inferred that wherever the *Witan* may have been, they possessed a legislative authority conjointly with the king.

"4. That the *Witan* had the power of electing the king, is established by the laws of Alfred, Edmund Ironside, &c.; and that

(5) They could depose the king, we have seen in the case of Sigebert.

Ante p. 170.

(6) Dunstan was elected Archbishop of Canterbury in 959 "*conilio sapientum*."

(6) Taxes were levied by the king and *Witan*, well known by the name of Danegeld, to meet the expenses occasioned by the Danish war under Ethelred, and which, in one year, amounted to the enormous sum (for those days) of £52,500.[†]

* "*Rigorn, rye-house*; the month for housing rye (August)."—*Bosworth's Dict.*

† After thirty-nine years of rigorous exaction, Danegeld was abolished

(10) That the Witan also had a voice in the granting of lands and of converting folcland into bocland, and vice versa, we have already seen in the case of the exchange at Westwell and Mersham.

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(12) And lastly, that the Witan acted as a supreme court of justice, is evidenced by the charters recording the result of such trials, and by the proceedings of the Witan in the case of Earl Godwin and his family in the affray at Dover with Eustace the Count of Boulogne, already referred to in Chap. XV., when Godwin and his son were summoned to appear before the gemót to answer the charge, and being refused safe conduct, declined to attend and were outlawed for a time.

Ante p. 82.

Ante p. 138.

But little is known of the mode of proceedings of the Witenagemót. They met at no fixed place. Propositions were brought before them by the king, and after due deliberation, they were accepted, modified, or rejected. Reeves or other officers appointed for that purpose, the missi, then carried the ordinances down into the several shires, and others took a *wed*, or pledge, from the freemen that they would abide by what had been enacted. This is substantiated by the following evidence. During the reign of Ethelstan, and subsidiary to the acts of various gemóts held by him, we find "All the Witan gave their pledges together to the Archbishop at 'Thundersfield,' when certain parties (naming them) came to meet the gemót by the king's command, that each reeve should take the pledge in his own shire that they would all hold the frith as King Ethelstan and the Witan had counselled it at Faversham."

Kemble,
Vol. II., p. 232.

Thorpe,
Vol. I., p. 241.

We find a very remarkable document addressed to the same king apparently, upon receipt of the Acts of the council of Faversham by the men of Kent, denoting their acceptance of the same. They commence by saying:—

Thorpe,
Vol. I., p. 216.

"Dearest! Thy bishops of Kent and all the Thanes of Kentshire, earls,

by Edward the Confessor, but was reimposed by William the Conqueror, and afterwards remitted by him. It was an extraordinary tax, like our modern income tax, and often enforced for long terms.

CHAP. XVII. — and churls,* return thanks to thee their dearest lord for what thou hast been pleased to ordain respecting our place, and to inquire and consult concerning our advantage, since great was the need for us all, both rich and poor; and this we have taken in hand with all the diligence we could by the aid of those Witan [Sapientes] whom thou didst send unto us, &c."

The *Shiremoot* must on *this* occasion have been held at Faversham, and the bishops of Kent were, of course, the Archbishop of Canterbury and the Bishop of Rochester. The consent of the people to the proposed enactments was not obtained by sending representatives *from* the shires to the Witan, but by the sending the *CAPITULA* down to the shire and taking the pledge to observe these new laws; thus the Witena-gemót passed the law, and the authorities of the shire accepted it.

The labours of the late Mr. Kemble, as well as Mr. Thorpe (upon which I have drawn largely) have thrown considerable light on this important subject. I must not, however, pursue it further; but content myself with selecting from Mr. Kemble's list, some of the principal Witena-gemóts affecting Kent during a period of upwards of 800 years.

VOL. II., F. 241. "Æthelbert of Kent, A.D. 596—605.—The promulgation of the laws of Æthelberht took place during the life of Augustine. This fixes their date between 596, when he arrived in England, and 605, when he died. Bede tells us that these laws were enacted by the advice of the Witan, '*cum*

* Mr. Hallam, in his supplemental notes, p. 229, remarks upon this important document:—"It is, moreover, an objection to considering this a formal enactment by the witan of the shire, that it runs in the names of '*thaini, comites et villani*.' Can it be maintained that the *ceorls* ever formed an integrant element of the legislature in the kingdom of Kent? It may be alleged that their name was inserted, though they had not been formally consenting parties, as we find in some parliamentary grants of money much later. But this would be an arbitrary conjecture, and the terms '*omnes thaini*,' etc., are very large."

Ib., p. 224.

To this Mr. Kemble replies, "If the *ceorls* ever did form an integrant part of the legislature in the kingdom of Kent, the whole question is settled. But I do not contemplate the thanes in Kent acting here as a legislative body: that is, I do not believe Æthelstan's Witan in Wessex to have passed a law, and then his Witan in Kent to have accepted or confirmed it. I believe his Witan from all England to have made certain enactments, which the proper officers brought down to the various shires, and in the shiremoots there took pledge of the shire-thanes that they accepted and would abide by the premises. And this is the more striking because there is every reason to suppose that the Witena-gemót, whose acts the shire-thanes of Kent thus accepted, was actually holden at Faversham, in that county."

consilio sapientum. We may therefore conclude that a gemót was held in Kent for the purpose : and from the contents of the laws themselves, it is obvious that the Roman clergy filled an important place therein. They had probably stepped into the position of the pagan priesthood, and improved it."

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"Archbishop Theodore, A.D. 680.—In this year was held the gemót at Hæthfield, in the presence of the kings of Northumberland, Mercia, East Anglia, and Kent. Its ecclesiastical acts are preserved : they are particularly directed against the heresy of Eutyches. But there was a witenagemót at the same time, probably to sanction the decision of the clergy."

"Wihtraed of Kent, A.D. 696.—Immediately upon Wihtraed's accession he held a great council, '*mycel consilium*,' or gemót of his witan, to settle the ecclesiastical and secular difficulties which had arisen during the civil wars of his predecessors and his own struggle for the throne. The gemót was held at Berghamsted, now Bearsted, in Kent. Its acts are extant in the laws which yet go under Wihtraed's name. Another gemót of Wihtraed's, said by the chronicle to have been held in 694 at Baccanceld, now Bapchild, in Kent, confirmed the liberties of the Kentish clergy."

Chron. Sax.
An. 694.

"Offa of Mercia, A.D. 785.—In this year was held the stormy synod of Cealchyth [Chelsea], in which the province of Canterbury was partitioned, and the archbishopric of Lichfield founded. It was clearly a witenagemót, as Offa caused his son Ecgferd to be elected king by the meeting."

Ante, p. 75.

"Ce'nwulf of Mercia, A.D. 798.—A gemót, called synodus, the place of which is not known. The business recorded is merely secular. Before the signatures occur the words : '*Hæc sunt nomina episcoporum ac principum qui hoc mecum in synodo consentientes subscripserunt.*' The signatures comprise the names of several laics,—a plain proof that the word synodus is not confined to ecclesiastical meetings. Another, or perhaps the same, at Baccanceld [Bapchild], in Kent, where the clergy made a declaration of liberties."

"Egberht of Wessex and Æthelwulf of Kent, A.D. 838.—In this year there was a council at Kingston, under these kings, Coelnoth the archbishop, and the prelates of his province. Secular affairs of great importance were settled on this occasion, and a regular treaty of peace and alliance agreed between the Kentish clergy and the kings. At first this was signed only by Coelnoth and the clergy ; but for further confirmation it was sent to King Æthelwulf at the royal vill of Wilton, and there executed by the King, his dukes and thanes. Another document exists in which the clergy of Winchester enter into similar engagements with the kings."

"Æthelwulf of Wessex, Æthelstan of Kent, A.D. 844.—A gemót at Canterbury, attended by the kings, the archbishop, the bishop elect of Rochester, '*cum principibus, ducibus, abbatibus, et cunctis generalis dignitatis principatibus.*'"

"Eðwæard of Wessex, A.D. 910.—A gemót was held in Wessex this year. And there appears to have been another at Aylesford in Kent, in

CHAP. XVII. which the witan gave judgment in the suit between Góda and Queen Eádgifu.

"Gems of Æthelstán's, the dates of which are uncertain, were held at Faversham and other places."

Folkmote.

I will next describe the County Court, which was known in Saxon times, after Kent ceased to be an entire kingdom, as the folkmote and shiremote. Some writers have made a marked distinction between these terms. Thus Dr. Brady infers from the laws of our Saxon kings that the folkmote was an inferior court held before the king's reeve every month to do folk right, and compose smaller differences; and in support of this he quotes Chap. XI. of the laws of King Edward the Elder.

Gloss., p. 42.

Thorpe,
Vol. I., p. 165.

p. 336.

Manwood limits the application of the term folkmote to London. He tells us our ancestors had several compound words ending in *mote*. Thus folkmotes were the courts held in London where all the folk or people did complain against the mayor and aldermen for misgovernment within the city.

Parochial
Antiq., p. 120.

According to Kennett, folkmotes referred to *borough* meetings, and shiremotes referred to *county* meetings. The one was subsequently swallowed up in the common council of the borough, and the other in the sheriff's tourn* and assizes of the city. But Squire, Wilkins, and more recently Mr. Kemble, treat the folkmote and shiremote as synonymous. Both the terms are used at different periods of Anglo-Saxon history, and by different kings ruling over different kingdoms; and folkmote is certainly more frequently used in connection with subjects of minor jurisdiction than shiremote, still I think they were synonymous. Thus in the laws of King Ina (8) already referred to, we have seen a provision made for the demand of justice *before the "scirman" or other judge*.

Ante p. 103.
work.

Thorpe,
Vol. I., p. 77.

In the laws of King Alfred (22) the folkmote is referred to in a case where one who first seeks to recover a debt and afterwards wishes to withdraw his plaint from the

* The term originated from the sheriffs taking a turn or circuit throughout the shire and holding a court in each hundred.

folk-mote; and in the same laws (38) we find a penalty for a man fighting before the king's ealdorman in the gemôt, and a like penalty for disturbing the folk-mote by drawing his weapon; "but if aught of this happen before a king's ealdorman junior or a king's priest" the penalty is reduced.

CHAP. XVII.

Thorpe,
Vol. I., p. 87.

"By the laws of King Ethelstan it is ordained (2), 'Respecting those lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folk-right, and find him a lord in the folk-mote.'"

Ib. 201.

"And in the same laws (12), 'We have ordained that no man buy any property out of port over twenty pence, but let him buy there within in the witness of the port-reeve, or of another *unlying* man, or further on the witness of the reeves of the folk-mote.'"

Thorpe,
Vol. I., p. 207.

"By the laws of King Edgar (5), it is ordained, 'And let the hundred-gemôt be attended as it was before fixed, and thrice in the year let a *burh-gemôt* be fixed, and twice a *sheir-gemôt*, and let there be present the bishop of the shire and the ealdorman, and there both expound the law of God as the secular law.'"

Ib. 269.

This provision is more clear and intelligible than the previous ones. We have here, first, the assembly of the hundred, next that of the borough or town (the burghmote), and lastly, the assembly of the shire or county with the bishop and ealdorman, to expound the law. All this is also re-enacted by the laws of King Canute (18). But I think the strongest evidence in support of the assertion that the terms shiremote and folk-mote are synonymous, and that the folk-mote was not an inferior court, is to be found in the same laws of Canute (15). "Sunday marketing we strictly forbid, and every folk-mote, unless *it be for great necessity*; and let hunting and all other worldly works be strictly abstained from on that holy day."

Ib. 387.

The "great necessity" here referred to, must have applied to the affairs of the whole shire, and not to a monthly assembly appointed to "enforce the payment of debts, and compose smaller differences."

These shiremotes, or folk-motes in Kent, were held even in Saxon times at Penenden Heath, as we have already noticed; they met three times in the year; while councils held at Bearsted, Bapchild, Canterbury, and Aylesford,

p. 108.

CHAP. XVII. — were the assemblies of the Witenagemot. That at Faversham appears to me to have been more in the nature of a convention. In referring to these councils and laws, which extended over more than three centuries, the reader must keep in view that though England at last formed one empire, and was ruled over by one Sovereign, there were still in many kingdoms and provinces, distinct customs and laws, which remained in force until after the Conquest.

Judges. The administration of the laws as well as the making of them was, no doubt, originally vested in the king and the Witenagemot in common; but the continuance of this practice must have soon become impossible. The king was the supreme judge in those causes which affected his thanes and officers, and in appeals from inferior tribunals. The activity of Alfred and Edgar in the administration of justice has been often commended. They journeyed to royal villis and monasteries for the purpose of assembling the people of the shire, and composing their differences, as well as of remitting capital and bodily punishments and fines. Wherever the king took up his quarters, there he could hold a court of justice. Lappenberg says itinerant judges did not exist under the Anglo-Saxon kings; but according to the *Mirror*, as the kings were not able to do all by themselves they sent their commissaries or missi; and this it is also stated took place "in the time of King Alfred and before;" and, further, that King Alfred caused forty-four judges to be hanged in one year as homicides for their false judgments. Kemble, however, says that we may leave this tale to the same veracious chapter of history as records his invention of trial by jury; but it is obvious from the words of his biographer that Alfred assumed some right to direct them in the exercise of their functions.

Juries. Creasy also, in his 'Rise and Progress of the English Constitution,' says, "It is to be hoped that few educated men of the present day believe in the myth of trial by jury having been invented by Alfred." Among the

Vol. II., p. 340.

Cap. II., s. 15.

Vol. II., p. 40.

p. 210.

Anglo-Saxons there was no tribunal composed of sworn individuals, whose province it was to decide on the truth of an accusation, and the value of the proof in support of it. CHAP. XVII.

An Anglo-Saxon criminal trial took place in the shire-mote or folkmote, and all present had a right to take part in it. No selection was made of twelve men sworn to weigh the evidence *pro* and *con*, and a true verdict given according to that evidence, but all were authorised accusers, witnesses, and judges at the same time, and unanimity in their verdict was not required.

Their system of trying offenders was either by requiring the production of compurgators (those who by their oaths asserted their belief of the innocence of the accused) or by the ordeal of either fire or water, by which the accused on his defence appealed to the judgment of God and relied on His miraculous interposition to vindicate the innocent.

"In the first of these modes," says Creasy, "the accused party was required to produce neighbours to swear to their belief in his innocence; and the effect of such neighbours' oaths was estimated not by the means of knowledge possessed by the deponents, or by their characters, or even by their number, but by their 'worth' in the Anglo-Saxon scale of persons; according to which an earl's oath was equal to the oaths of six ceorls, and so on. If the accused party produced the requisite amount of oath (which was in every case rigorously defined by a curiously-minute penal tariff), he was set free. If the aggregate value of the oaths of his compurgators fell below the prescribed sum, he was pronounced guilty. If the accused person put himself upon the trial by ordeal, the weight of the hot iron which he was to bear, or the depth to which he was to plunge his arm into the hot water, was scrupulously pre-appointed by the law. The assembly looked on. In trial by compurgation, they added up the amount of the oaths; in trial by ordeal, they watched the effect of the hot iron or hot water upon the culprit's skin, and that was all which they had to do."* p. 212.

There was another method of trial by ordeal called the Ordeal.

* See Palgrave's History of the British Constitution. "It must not, however, be supposed that, in cases of flagrant guilt, the offender was allowed the chance of escaping through the perjury of compurgators, or the jugglery which was frequent in the ordeal. On the contrary, the slayer who was found near the bleeding corpse, or the thief who was taken on fresh pursuit in possession of the booty, was strung up to the nearest bough without ceremony."

CHAP. XVII. *offa execrata*, or corsned, by which the clergy used to purge themselves, and probably chosen because it was the least likely to put the party to any peril; a morsel of bread was placed on the altar with great ceremony, which the person to be tried was to eat, and if it stuck in his throat it was a token of guilt. Thus in this instance, as in that of cold water, a miracle was supposed to be wrought to prove the guilt of the person; while in those of the hot water and hot iron, the like divine interposition was expected to demonstrate innocence.

Crime. The crimes to which the Anglo-Saxons were principally addicted were homicide, personal injuries, and theft, which were atoned for by fines or pecuniary punishment. Whether this system arose from the idea that punishment should be attended with benefit to the state, or with some compensation to the individual injured or his relatives, or whether death was less dreaded as an evil than poverty, or whether it was easier to make the great (the principal authors of the crimes committed) responsible in their property than in their lives, cannot perhaps now be decided; but certain it is that the protection which in this our day is afforded to the person and property of the humblest individual did not then exist. In speaking of the shire I have referred to the 'were,' or pecuniary value set upon every grade of society which has been called an "exhibition of legislative arithmetic."

Turner, Vol. II., p. 481.

p. 103.

Turner, Vol. II., p. 482.

Hence one murder provoked another, and the feeling of revenge was transmitted from one generation to another. But as soon as homicide was discountenanced by the legislature another pecuniary payment in the nature of a fine was imposed on the murderer in addition to the *were* appointed to be paid to the family of the deceased, which was called the *wite*. Still, by this system of *weres* and *wites*, individuals could continue to glut their revenge if they chose to pay for it, which, however, was somewhat checked by the interference of Edmund the First.

Ib. 487.

The different *weres* or compensations for personal in-

juries were very curious, fixed values being set on each member of the body. CHAP. XVII.

Theft prevailed among every order of men, from the highest to the lowest, and the depredators sometimes associated in bands. At first the thief was compelled to make threefold reparation; afterwards to pay the amount of his *were* or suffer banishment or death. Then his property was confiscated and his life placed at the mercy of the king, and, lastly, he was ordered to be put to death without the possibility of pardon, and one third of his property was given to the king, one third to the hundred, and the remainder to his widow and children. Ina decreed that if the wife and family of a thief witnessed his offence they should all go into slavery. Subsequently, during the reign of Athelstan, it was enacted that no one should lose his life for stealing less than 12d. "unless he flees or defends himself." The frequency of theft rendered necessary the market regulations respecting the proof of the ownership of property already referred to.

Leg. Sax.,
2, 7, 12, 17, 65.

Having explained the *were* and the *wite*, I will now only refer to the *mund* or *mundbryce* or *mundbyrd*, being the right of every subject of the realm to individual protection, based on the principle that every man's house is his castle. It is noticed in almost all the Anglo-Saxon laws.

King Ethelred declares—

"In the law of the Kentish people, the king and the archbishop possess a like and equally dear 'mund-bryce.'" Thorpe,
Vol. I., 331.

"And in those laws, the archbishop's property is to be compensated elevenfold, and the king's ninefold."

"And the 'mund-byrd' of Christ's church is the same as the king's."

"In the laws of Canute (3) we find "In Kent for the 'mund-bryce' v. pounds to the king, and three to the archbishop, and to a minister of the middle class cxx. shillings." Ib. 361.

The civil causes of the county were tried at Penenden and other places in the shire from time to time appointed, and they were heard and determined by an indefinite number of persons called *sectatores*, or those who attended to do their suit and service at the court, who gave their verdict on

Reeve's Hist.
of Eng. Law,
Vol. I., p. 23.

CHAP. XVII. the matter of fact and of law. The number of these *sectatores* appears to have varied in different places, and depended on chance and convenience. They discharged their office, it is supposed, without any other obligation for a true performance of it than their honour.

It only now remains to observe that Alfred's *Dom boc*, or *Liber judicialis*, intended as a code for the government of his kingdom, was revised by Edgar, and completed by Edward the Confessor, who, as Blackstone says, established one uniform body of law to be observed throughout the kingdom; which compilation procured for Alfred the title of *Legum Anglicanarum conditor*; and for Edward, *Legum Anglicanarum restitutor*. It should, however, be observed that the laws of Edward the Confessor are considered spurious in their present form. It is surmised that they were compiled under the Conqueror, or even later.

CHAPTER XVIII.

THE ANGLO-SAXON CHURCH. PAROCHIAL SYSTEM.
TITHES.

IN the eighth chapter of this work, while briefly recording the ecclesiastical history of Kent to the death of Alfred, I spoke of the Christian religion as accepted by Ethelbert, and the conversion of the Anglo-Saxons, who then made an outward profession of faith; but this did not (as might be expected) at once put an end to paganism. The household gods still retained their influence, and the honour of putting down heathendom in Kent and destroying these idols is due to Erconbert, the grandson of Ethelbert.* Malmesbury says that he destroyed also their chapels. In process of time an episcopal hierarchy was established. Archbishops were finally placed over the two provinces of Canterbury and York, and bishops in every kingdom, by the King and Witan, but receiving their investiture from the Pope,† and under them a subordinate and parochial clergy were appointed. These men traversed the country propagating a doctrine and a discipline well calculated to supplant the pagan priesthood. Monasteries, cloisters, and churches were the first requisites of the newly-introduced faith, as places of meeting and shelter for the missionaries, teachers, and

CHAP. XVIII.
The Church.

* The worship of "forest trees of any kind," and "water-well worship," were prohibited by the laws of Canute (5).

† "Saxon England," says Kemble, "was essentially the child of Rome, whatever obligations any of the kingdoms may have been under to the Keltic missionaries."

Vol. II., p. 367.

CHAP. XVIII. disciples devoted to piety; their gradual increase, and the wealth they acquired, explains the influence possessed by these different foundations. While Theodore was archbishop, he appointed Adrian to the monastery of St. Peter at Canterbury, who lived there thirty-nine years; and the presence of these two learned men made Kent the fountain of knowledge to all the rest of England. Bede extols the happy times which the island enjoyed under their tuition. Theodore has also the reputation of being the first archbishop who united all the English Church under his authority, and who also accomplished the division of the larger sees.

Turner,
Vol. III.,
p. 37L

In the thirteenth chapter I referred to the nineteen archbishops, including Plegmund (who held the see of Canterbury during the reign of Alfred), and the twenty bishops who held the see of Rochester during the same period. From Plegmund, the nineteenth archbishop, to Stigand (who held this see on the landing of William of Normandy), there were fourteen archbishops, Stigand being the thirty-third, but during the same interval there were only seven bishops of Rochester, Siward being the twenty-seventh.

Harris's Kent,
p. 511.

Spelman's
Gloss.

Ib.

Of these fourteen I will only mention Wifelm, sometimes called Wolsinus, who came to the see A.D. 925, and was the first archbishop who held any secular office. Spelman styles him, by an odd anachronism, "Lord High Chancellor of England." He was succeeded by Odo, who was only a secular priest, and could not obtain his pall "until he entered the state of monkery." Dunstan was the next archbishop, of whom I shall speak shortly; he died in 988, "having seen seven kings of England," says Birchington. His relics were held in great veneration, and a contest long existed between the monks of Canterbury and Glastonbury as to who possessed them. Heylin, however, in his *Life of Laud*, page 206, says that Dunstan was buried in a chapel in Saint Paul's, London. Ælfrie, the twenty-seventh archbishop, was a learned divine, and translated the greater part of the Scriptures into the

Saxon tongue. He wrote also against the doctrine of the corporal presence of Christ in the Eucharist. In his will, which is preserved in the Cottonian library, he gave to the king his best ship, and sixty helmets and sixty breast-plates. He gave one half of the remainder of his ships to the people of Cent [Kent] and the other half to the men of Wiltshire. His land lying west from Sittingtun [Sittingbourne] and at Newington he bequeathed to his sisters and to their children, and he forgave for God's sake to the Kentish men all the debts which they owed him, and emancipated all his slaves and villeins.* He died in 1005. Of Archbishop Alphage, or Ælfeah, who succeeded him, and the cruelty practised towards him, I have already spoken. CHAP. XVIII.

Most of the Bishops who presided over the See of Rochester at this time were in a deplorable condition, their estates being constantly seized or plundered, and the bishopric at times vacant. When Siward, the last of the Anglo-Saxon bishops, died (which it is supposed was in the year 1075), he left his church in a miserable state of poverty, there being only four secular canons in it, living on scanty food, and clothed in a common lay habit. Godwin, p. 525.

We need not be much surprised at the poverty of the clergy here, when we reflect that the Isle of Sheppy was the favourite landing-place of the Danes, as the Isle of Thanet had been of the Saxons. They made it their principal resort, and took up their quarters there for a whole winter at a time. Thus Rochester, from its proximity to Sheppy, often became, as we have seen, the scene of their plunder, and the clergy residing there, the objects of their persecution.

The Danes at length learned the religion of the Saxons; and thus one cause of deadly animosity was removed. Intermarriages followed, and the mutual aversion of the races began to subside.

* This curious document, which I have only very briefly noticed from Harris, shows that an archbishop in those days had to assist in keeping up an armoury, and be prepared for an enemy by sea as well as by land. p. 515.

CHAP. XVIII.

Monasteries
and
St. Dunstan.

The monastic establishments of the Anglo-Saxons attained a great though fluctuating popularity. Kings and nobles withdrew from the business of the world to enjoy the devout serenity of the cloister, and no doubt, while kept under proper control, they contributed to the happiness of thousands, and were for a long time of incalculable utility. The rule of St. Benedict was adopted by the Anglo-Saxon monks. They were not necessarily clergymen, but were subject to the control of the bishop. Many of them, however, took holy orders. It was not until the accession of Edwy, eldest son of Edmund the Elder, that the monks began to signalize themselves as a zealous, powerful, and ambitious body. Dunstan, their leader, one of the most conspicuous personages of Saxon history, after being long, says Mackintosh, an object of unmingled panegyric among the monastic writers, has since their time been treated with unwarrantable severity by Protestant historians; and he thus proceeds:—

Vol. I., p. 51.

“Of noble birth, and said to be connected with the royal family of Wessex, he embraced the rule of St. Benedict with the same ardour which he had before shown in the business and pleasures of common life. His temperament was that of most earnest and zealous reformers, who have been exasperated by resistance and persecution: his personal disinterestedness and austere manners disposed the multitude to applaud the harsh discipline which he enforced and the cruel chastisements which he either advised or countenanced. There is no reason to suspect his sincerity; but the extension of his own power, and that of his order, doubtless mingled itself with zeal for the service of God and man; and the secret enjoyments of pride and ambition soothed the irritation which the renunciation of pleasures more openly immoral is apt to beget in passionate natures. To be very scrupulous in the choice of means is a very rare virtue in such enterprises, in such times, and in such men. It is unjust to make him answerable for the miracles which the credulity of his admirers has ascribed to him.”

“Having fallen into disgrace in the reign of Athelstan, he regained his influence in that of Edmund, and at a very early age became the chief counsellor of Edred, the last grandson of Alfred. To enforce clerical celibacy, to reduce all the monasteries to the rule of St. Benedict, and to expel at least all the married clergy from canonries and prebends in cathedrals, that they might be succeeded by Benedictines, were the three main objects of his ecclesiastical policy. The result would have been a conformity of the English clergy to the law and usage of Christendom. Unless the clergy conformed to the first two regulations their conduct

seemed to be altogether set free from rule. It must have appeared to Dunstan that he was engaged in a contest against licentiousness struggling to throw off laws conducive at once to purity and order. On the other hand, it is to be remarked, that the unnatural interdiction of marriage is universally owned to have fallen into inobservance since the Danish wars, which had reigned for more than a century. As many parts of England were converted not long before that time, it is unlikely that the ancient liberty could have been so extirpated: the prohibitions and censures lavished on clerical marriages in the earlier times of the Saxons, if they prove the illegality of such unions, at least equally attest their prevalence. A natural liberty, thus sanctioned by general usage of more than a century, and by many examples in the former times, must have been considered, by a clergy not prone to historical or legal enquiry, as an established and inviolable right. The monks, who had enjoyed uncontrolled liberty, shrunk from a foreign and unknown rule, and it seemed unjust to deprive the seculars of their revenues from cathedrals, to which the habits of their life were adapted. But the reformer was too impetuous, or too ambitious of the honour of completing his own reformation, to submit to a gradual execution of his projects; although, if suddenly effected, they must have cruelly affected the greater number of churchmen, and reduced multitudes of women and children to shame and beggary."

CHAP. XVIII.

The monks and nuns were governed by their own abbots, abbesses, and priors, assisted and in some respects controlled by conventual chapters, subject, but not always submitting to, the pope, and disclaiming dependence on the episcopal clergy. There were no friars or mendicant orders among them, such being of later growth in the Church; but they encouraged hermits and pilgrims.

Turner,
Vol. III.,
p. 439.

To our county attaches the fame of having possessed the first nunnery in these parts. This was the nunnery at Folkestone, founded by King Eadbald for his daughter, probably about the year 680. Weaver and Dugdale claim the honour for Barking, in Essex; but as that was not founded till 678 their assertion is clearly a mistake.

Nunneries.

Though the royal will was in some measure controlled by the Witan, kings appear to have done nearly as they liked in the appointment of bishops, for we read of a bishop in the person of Wine (Wini), an Anglo-Saxon, who having been expelled from Winchester, yet purchased the See of London, in which he continued until his death. The elevation of Anglo-Saxon ecclesiastics to the highest

Tanner,
PP. IV., 117.

Bishops.

Lap.
Vol. I., p. 162.

CHAP. XVIII. offices of the Church, which followed the earliest appointments, was not without its good effect, as it assisted in establishing an English Church and weakened the influence of Rome ; still many of the earliest, in the seventh and eighth centuries, were ignorant of the language of the Church, so that Bede had to translate for them the Creed and the Lord's Prayer from the Latin into their mother tongue.

The Parochial System.

Wherever a conversion to Christianity took place of any extent in any of the Anglo-Saxon states, some ecclesiastical establishment, if not a cathedral, speedily followed. From this centre the clergy visited the neighbouring towns and villages preaching the glad tidings of salvation. The distance of the converts from the church, the large districts of uncultivated country, and bad roads, soon forced on the clergy the necessity of providing other machinery. This led to the appointment of presbyters, each to reside in a single district, under the direction of the bishop. The district of the bishop himself was known by the name of a diocese or parish. Both these terms, says Kemble, were applied to denote the smaller circuit within which the presbyter was expected to exert himself for the propagation of the faith ; and the reader should bear this in mind,—a diocesan or parochial system in embryo, somewhat resembling our present ecclesiastical division, was thus adopted by our Anglo-Saxon ancestors, though the term *parochia* or parish might not have been used before the Norman conquest.

The origin of our parochial system (which I shall have again occasion to refer to when speaking of the Kentish manors) has not, I think, been so clearly explained by any writer as by Mr. Kemble, and I therefore avail myself of a part of his dissertation on the subject.

VOL. II., P. 418.

“As long as the possessions of the clergy were confined to a small plot whereon their church was built, and while they depended for support upon the contributions in kind which the rude piety of their new converts bestowed, the bishops could naturally not proceed to plant these clerical colonies of their own authority ; though, as soon as they became masters of villas and manors and estates of their own, they probably

adopted the plan of sending single presbyters into them, partly to act as stewards or bailiffs of the property, the proceeds of which were paid over to the episcopal church, and laid out at the discretion of the bishop. But the zeal of the people could here assist the benevolent objects of the clergy. The inconvenience of having a distance to traverse in order to attend the ministrations of religion, the desire to aid in the meritorious work of the conversion, the earnest hope to establish a peculiar claim upon the favour of Heaven, nay, perhaps even the less worthy motives of vanity and ambition, disposed the landowner to raise a church upon his own estate for the use of himself and his surrounding tenants or friends. From a very early period this disposition was cultivated and encouraged, and the bishops relinquished the patronage of the church to the founder, reserving, of course, to themselves the canonical subjection and consecration of the presbyter who was ordained to the title. During the seventh century this had become common in the Frankish empire, and Theodore followed, or introduced, the same rule in this country. There cannot be the least reason to doubt that parish churches were generally established in the time of Beda, and it is not very probable that they were all owing to private liberality. In a similar manner, probably, arose the numerous parish churches which before the close of the eighth century were founded, especially by the English missionaries, on the Continent of Europe. Thus in the seventh century, in England, the ecclesiastical machinery consisted of episcopal churches served by a body of clerks or monks—sometimes united under the same rule, and a sufficient number of whom had the necessary orders of priests, deacons, and the like; probably, also, churches served by a number of presbyters under the guidance of an archipresbyter or archipriest, bearing some resemblance to our later collegiate foundations; and numerous parish churches established on the sites of the ancient fanes in the marks, or erected by the liberality of kings, bishops, and other landowners on their own manorial estates. The wealthy and powerful had also their own private chaplains, who performed the rites of religion in their oratories, and who, even at this early period, probably bore the name of hand-preostas, by which in much later times they were distinguished from the tûnpreostas, village or parochial priests. As a body the clergy in England were placed very high in the social scale: the valuable services which they rendered to their fellow-creatures; their dignity as ministers and stewards of the mysteries of the faith; lastly, the ascetical course of life which many of them adopted, struck the imagination and secured the admiration of their rude contemporaries. At first, too, they were honourably distinguished by the possession of arts and learning, which could be found in no other class; and although the most celebrated of their commentaries upon the biblical books or the works of the Fathers do not now excite in us any very great feelings of respect, they must have had a very different effect upon our simple progenitors. Whatever state of ignorance the body generally may have fallen into in the ninth and tenth centuries, the seventh and eighth had produced men famous in every part of Europe for the soundness and extent of their learning. To them England owed the more accurate calculations which enabled the

CHAP. XVIII. divisions of times and seasons to be duly settled; the decency, nay, even splendour, of the religious services were maintained by their skilful arrangements; painting, sculpture, and architecture were made familiar through their efforts, and the best examples of these civilising arts were furnished by their churches and monasteries: it is probable that their lands in general supplied the best specimens of cultivation, and that the leisure of the cloister was often bestowed in acquiring the art of healing, so valuable in a rude state of society, liable to many ills which our more fortunate period could, with ordinary care, escape. Their manuscripts yet attract our attention by the exquisite beauty of the execution; they were often skilled in music and other pursuits which at once delight and humanize us. To them alone could resort be had for even the little instruction which the noble and wealthy coveted—they were the only schoolmasters;* and those who yet preserve the affectionate regard which grows up between a generous boy and him to whom he owed his earliest intellectual training can judge with what force such motives acted in a state of society so different from our own. Moreover, the intervention of the clergy in many most important affairs of life was almost incessant. The marriage—that most solemn of all the obligations which the man and the citizen can contract—was celebrated under their superintendence; without the instruments which they prepared no secure transfer of property could be made; and, as arbitrators or advisers, they were resorted to for the settlement of disputed right, and the avoidance of dangerous litigation. Lastly, although during the Anglo-Saxon period we nowhere find them putting forward that shocking claim to consideration which afterwards became so common,—the being makers of their Creator in the sacrament of the Eucharist—we cannot doubt that their calling was supposed to confer a peculiar holiness upon them; or that the *hadd*, the orders they received, were taken to remove them from the class of common Christians into a higher and more sacred sphere."

Tithes.

After the preceding quotations from Mr. Kemble's work, the reader will be prepared for what I am about to say on the subject of tithes.

Much labour and deep research have been bestowed by many learned men at different periods to discover the first institution of the payment of tithes in England as rendered until the year 1836, but with no certain or satisfactory results to those who have made it the object of their

* We do not sufficiently prize our own advantages, and the blessings which the mercy of God has vouchsafed to us in this respect. But let one fact be mentioned, which ought to arrest the attention of even the least reflecting man. In the ninth century there was not a single copy of the Old and New Testaments to be found in the whole diocese of Lisieux. We learn this startling fact from a letter sent by Freulf, its bishop, to Hrabanus Maurus.

inquiry. Sir William Blackstone says the paying of tithes was possibly contemporary with the planting of Christianity in England ; but this opinion is not supported by any historical evidence, and derives no confirmation from the fact that when Augustine applied to Pope Gregory for instructions respecting the division of the oblations brought to the altar by the faithful, the Pope replied that it was the custom of the Apostolical See to charge bishops, when they are ordained, to divide the whole income into four parts—the first for the bishop and his family, the second for the clergy, the third for the poor, the fourth for repairing churches. Now, neither in the question nor in the answer is there any allusion to tithes. The truth is, the first payments were merely voluntary ones and dependent on the bounty and piety of each locality, for no such thing as an ecclesiastical benefice was known in the early ages of the Christian Church, and there is no mention of tithes in the great Codex of Canons ending in 451. Selden, perhaps the most reliable authority, supposes that the payment commenced about 786, and even then was not created by any compulsory law. Among the endowed churches that of Boseham, in Sussex, was probably one of the richest. In the reign of Edward the Confessor it had an appendage of land to the extent of 112 hides.

CHAP. XVIII.

Selden, *Hist.*,
c. 53—6.

Sir H. Ellis's
Introd. to
Dom.

The Anglo-Saxon ecclesiastics had a great taste for relics ; but although using the sign of the cross, they taught the people not to pray to the wood of which it was composed but to the Divine personage who suffered on it.

They visited most crimes with appropriate penances, but they allowed the wealthy to purchase a remission of them.

The people were exhorted by their clergy to study the Scriptures, and moral and religious selections were made for them.

It is certain, says Turner, that the transubstantiation of the Eucharist was not the established or universal belief of the Anglo-Saxons, for in a MS. of Saxon ecclesi-

V.J. III.,
p. 472.

CHAP. XVIII. astical constitutions it is declared "the sacrament is Christ's body *not bodily but spiritually*; not the body in which he suffered, but the body about which he spoke when he blessed the loaf and wine."

There is nothing selfish in true Christianity; and the Anglo-Saxons, after their own conversion, soon became anxious to spread the consolations of religion among the neighbouring nations. Anglo-Saxon missionaries laboured successfully on the Continent; and St. Boniface, one of their number, suffered martyrdom among the Frisians.

In closing these commentaries, I feel I cannot do better than sum them up with the words of Lord Macaulay:—

**Hist. of Eng.,
Vol. I., p. 7.**

"It is better that mankind should be governed by wise laws well administered, and by an enlightened public opinion, than by priestcraft; but it is better that men should be governed by priestcraft than by brute violence, by such a prelate as Dunstan than by such a warrior as Penda. A society sunk in ignorance, and ruled by mere physical force, has great reason to rejoice when a class, of which the influence is intellectual and moral, rises to ascendancy. Such a class will doubtless abuse its power; but mental power, even when abused, is still a nobler and better power than that which consists merely in corporeal strength. We read in the Anglo-Saxon chronicles of tyrants who, when at the height of greatness, were smitten with remorse, who abhorred the pleasures and dignities which they had purchased by guilt, who abdicated their crowns, and who sought to atone for their offences by cruel penances and incessant prayers. These stories have drawn forth bitter expressions of contempt from some writers, who, while they boasted of liberality, were in truth as narrow-minded as any monk of the dark ages, and whose habit was to apply to all events in the history of the world the standard received in the Parisian society of the eighteenth century. Yet surely a system which, however deformed by superstition, introduced strong moral restraints into communities previously governed only by vigour of muscle and by audacity of spirit, a system which taught the fiercest and mightiest ruler that he was, like his meanest bondman, a responsible being, might have seemed to deserve a more respectful mention from philosophers and philanthropists."

CHAPTER XIX.

THE LAST OF THE FOREST UNDER THE ANGLO-SAXON
SOVEREIGNS.

IT is now nearly a century ago since Hasted undertook the laborious work of preparing for the press his valuable History of Kent, which he was permitted to finish. Two editions were published, one a folio and the other octavo. Both have become scarce; but except as a book of reference, I suspect that very few, if any, of the rising generation are disposed to study it. For this reason, and that my subject may be better understood, I have felt it desirable in the preceding pages to give a general outline of the History of Kent to the time of the Norman Conquest. The remaining portion of my work will be principally confined to the History of the Forest (once the largest, be it remembered, of South Britain, if not of the entire Kingdom), which will gradually lose the name of Andred, which it preserved for many centuries after the Romans made their exit, and will become known to us by its more modern name of the Weald (at times the Wild) of Kent, Sussex, and Surrey, our researches being chiefly directed to that portion of it which is situate in Kent.

CHAP. XIX.

The forests and woods, consisting of desert tracts in England which had never been disposed of in the first distribution of lands, were considered in Saxon times as belonging to the Crown, and I submit I have succeeded in proving that Andred was one of these forests. It would appear to have been vested in the Sovereign for the time

Ellis's Dom.

CHAP. XIX.

Ante, p. 142.

Smith's Bede,
pp. 305, 312.

Ante, p. 86.

Sax. in Eng.,
Vol. II., p. 86.

being as a portion of what is now more familiarly known to us as "the royal woods and forests," which originally fell to his 'share. Some Anglo-Saxon Sovereigns appear to have granted rights over it of their own free will, while others, as Egbert, obtained also the consent of the Witan.* Most of the grants we have seen were made to the Ecclesiastical Institutions connected with the newly-established Christian religion, which provoked the celebrated letter of Bede to Archbishop Egbert. In that performance which throws so much light on the internal state of Northumberland, the venerable author complains of the improvident grants to monasteries, which had impoverished the Government, and left no lands for the soldiers and retainers of the secular authorities, on whom the defence of the country must necessarily depend. He laments this mistaken liberality, and expresses his fears that there will be soon a deficiency of military men to repel invasion; no place being left where they can obtain possessions to maintain them suitably to their condition.

Certain portions of the forest might at times have been held as common or folcland, subject to the general rights of *particular* districts. Hence the right of pannage granted to the men of the three laths of Shepway, Scray, and St. Augustine, already referred to, for its extent would admit of it; and at one time parts if not the whole of it might even have been the shire forest, or public wood of the county; still the paramount royalty would remain in the Crown. Kemble mentions Andred, Blean, and Sæuling as royal Anglo-Saxon forests, which he calls "*silva regales*."

The royal donations which I have referred to in Chaps. IX., X., and XV. after granting the particular *prædium* or estate situate in different parts of the kingdom or shire of Kent, conferred, we have seen, at first the general right of pannage or of running and feeding hogs over the whole

Sax. in Eng.,
Vol. II., p. 361.

* Mr. Kemble, however, does not scruple to express his belief that every charter in the *Codex Diplomaticus* (which is not merely a private will or settlement) is the genuine act of some Witenagemot.

forest; and subsequently such right was limited to particular denes, which had particular names assigned to them, and to this was sometimes added the right of taking wood from the forest.

CHAP. XIX.

I have already stated that we have no evidence that it was at any time a private forest of the Sovereign, or that there was ever a reservation of vert and venison in any part of it. No forest laws, however, (if any existed) have come down to us. Until the reign of Canute and up to this period the previous Anglo-Saxon monarchs did not punish offences committed in them with that severity that their Norman successors practised. Whether, however, the forests were public or private, in all of them, the privileges of pannage or masting swine and cutting timber or brushwood were never lost sight of, and were deemed of the greatest importance to the neighbouring cultivators of the soil.

By the laws of King Ina, if pannage was taken in kind for swine, the third animal was payable of those swine that were three fingers thick, the fourth of those that were two fingers thick, and the fifth of those that were a thumb thick.

Thorpe,
Vol. I., p. 133.

By the same laws, if a man found among his mast 'unallowed swine' [liable to be impounded] he was to take a wed [pledge] of six shillings value.

The only mention made of Andred is in the Anglo-Saxon Chronicle and in these Royal Charters, commencing first with the grant of general undefined feeding or pannage, succeeded by cultivation, which kept pace with its twin companion civilization. Thus, the gloomy forest, frequented at first only by the drofmen or herdsmen in the summer and autumn with their cattle and swine in search of acorns and mast, became the permanent abode of man. To these drofmen land was granted in return for the services they rendered in driving the cattle and swine to and from the forest. Next, a toll or gate-penny was paid for the privileges of setting up gates in it. Grubbing and clearing followed. Danger-silver, or a payment in money, was afterwards made for permission to plough and sow in

CHAP. XIX.
Markham,
p. 3.

time of pannage. Thus it was that "in process of time little and little was gained, as men were contented to inhabit there, and to rid it of the wood;" and so the difficulty of defining the original and precise limits became greater and greater every year. In bringing forests and woods into cultivation the practice in this and other districts was generally the same. The cultivators selected the land best adapted for the plough in the immediate vicinity of the forest pastures, and consumed what they produced. The most enterprising of them gave the name to the dene he had selected, and thus acquired at any rate a possessory title. The arable continued to be extended to find food for increasing numbers, and the pasture pushed further and further as the cattle multiplied, or as the pasture became less productive. To the advantages of a forest with abundant mast was added the rivers Medway, well stored with fish, and the Limen or Rother, for "wood and water have ever been the most attractive means of uniting men in religious and social communities."

Kemble,
Vol. I., p. 76.

Next as to the boundary.

Ante,
pp. 46, 54, 68.

I have already referred to the landing of Ella in Sussex, when he founded the South Saxon kingdom, and the impenetrable boundary which the forest then formed between that kingdom and Kent, which long preserved Sussex, the last hold of paganism, against the arms of the other States. Though the forest separated the two kingdoms we find no reference to any former division of it, even when the island was entirely subdued. Each Saxon invader at first only sought to secure that for himself and followers which they had acquired by conquest. While Hengist and his army drove the Britons into one extremity of the forest, Ella twenty-eight years afterwards drove the inhabitants of Sussex into the other; and throughout the whole of the occupation of Britain by the Saxons, Kent and Sussex appear to have been almost isolated, as to direct intercourse through Andred. This peculiar isolation no doubt caused that marked diversity of customs and tenures which I shall have occasion hereafter to notice.

The boundary of the entire forest is thus defined by Mr. Charles Pearson in his recent valuable work (already noticed) entitled "Historical Maps of England during the first Thirteen Centuries."

CHAP. XIX.

Ante, p. 53.

"The largest English forest in early times was the Andred's,—Weald of Sussex, Hampshire, and Kent—which constituted three kingdoms in itself, dividing Cantii, Regni, and Belgæ from one another in Cæsar's time, as it afterwards separated the South Saxons from the men of Kent on the east, and the West Saxons on the west. In Alfred's time it is said to have been a hundred and twenty miles long, or longer, and thirty miles broad. Skirting the chalk hills of Surrey, it went as far north as Sevenoaks in Kent, and passed by Mereworth and Chart woods to Hurst, near Lymne; then fringing the Romney Marsh, it entered Sussex from Sandhurst; and Penhurst (wood-end), near Battle, was one of its southern boundaries. The chalk downs of Sussex separate it from the sea. Lysswood, Fairfield, and Clanfield, in Hampshire, probably represent its western boundary, though we also know of woods near Kilmiston and Exton."

p. 5.

From the density of this and other forests and woods, it may be supposed that they were often resorted to for nefarious practices; still, one would not have thought that the manufacture of base coin at this period of our history would have required a law for its suppression; such, however, was the case; for Ethelred decreed that the coiners of base money carrying on their trade in the recesses of the forests were punishable by death, unless the king would be merciful to them.

Thorpe,
Vol. I., p. 299

By the laws of King Ina, if a stranger came to a wood out of the highway, and attempted to slink through in secret without shouting or blowing his horn, he should be taken to be a thief, and might be slain or forced to pay according to his presumed crime; and if the slayer was then pursued for his wergyld [compensation] he might make oath that he slew him for a thief, and the lord and the gylden [associates] of the dead man should not be allowed to make oath to the contrary; but if the slayer had at the time concealed the deed, and it was only afterwards discovered, a presumption of unfair dealing was raised against him, and the kindred of the dead man were entitled to make oath of his innocence.

Ibid, p. 115.

By the laws of King Alfred, if a man was accidentally

CHAP. XIX.

Thorpe,
Vol. I., p. 70.

Iron Works.

Cod., p. 30.

Vol. II., p. 69.

p. 95.

slain while hewing wood with others, his kinsmen were to have the tree and remove it from the land within thirty days, or otherwise it should go to the owner of the wood. If, however, they had not been there oftener than once, the owner was to prove it and pay one shilling.

Neither history nor archæological researches have, as yet, furnished us with information on the subject of the manufacture of iron in Kent under the Anglo-Saxons; and we do not find among their charters any reference to iron works in Andred, though in the year 689 Oswini of Kent grants to Rochester a ploughland at Lyminge in which he says "there is known to be a mine of iron." Mr. Kemble remarks that "this document is not totally free from suspicion." If, however, any iron works were carried on in this shire or in Sussex previous to the Norman conquest they must have been most unimportant; at any rate we find no mention of them in Domesday. Mr. Smiles, who is generally correct, and to whom the public are so much indebted for his interesting biographies, is in error when he supposes that "many places still known by the name of 'Chart' in the Weald probably mark the lands chartered for the purpose of supplying the iron-works with their necessary fuel." Now *Chart*, or "*Cert*," in Kent is a name of great antiquity, and though like Buckland (in Saxon, "*Bocland*") it may have originally referred to the charter under which the land was held by the earliest grants, and have been afterwards discontinued in consequence of the confusion it occasioned, it could never have been so named for the purpose specified by Mr. Smiles.

Mr. Lower, in his *Contributions to Literature*, has written all that can be stated respecting the iron-works in the Wealds of Kent and Sussex at this period of our history. He says:—

"With regard to the seven or eight centuries which succeeded the departure of the Romans from Britain, history and archæology seem alike silent on the subject of the iron of the South. It can scarcely be doubted, however, that the Romanized Britains retained this most use-

ful art of smelting and working iron, and that the Anglo-Saxons, after them, continued it *upon the old sites*. Further examinations of our cin-derbeds may hereafter bring to light Romano-British and Saxon remains, and prove for those peoples what Maresfield has proved for the Romans. In the meantime we are perhaps justified in assuming that when so valuable and necessary a manufacture had been once introduced it would be retained so long as the three essentials for its perpetuation—the ore, the fuel, and the flux—continued in sufficient abundance of supply ; in other words, that the iron-trade of the South was carried on uninterruptedly from Roman times till its extinction, in consequence of the failure of fuel, almost within our own recollection."

CHAP. XIX.
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CHAPTER XX.

THE NORMAN INVASION.

CHAP. XX.

Ellis,
Vol. I., p. 314.Lingard,
Vol. I., p. 218.Gale's Ed.,
p. 440.Observations
on Hoar-
Stones, p. 9.

AT the close of Chap. XIV. we recorded Harold's victory in the North. Three days afterwards (the 28th September, 1066), on the eve of St. Michael's Mass, the Norman William landed at Pevensey, and immediately constructed a castle (a temporary one of course) at Hastings. We learn that he did not land his army at one particular spot, but principally between Winchelsea and Bexhill. It, however, happened that a division of the Norman fleet, recognizing the authority of Cæsar that Kent was the "common landing place from Gaul," attempted with a portion of the army to enter the harbour of Romney, then an important Kentish sea port, and to the men of Romney was accorded the boasted privilege of the men of Kent of *striking the first blow*: they certainly drew the first Norman blood, and repelled the invaders.

Harold, we are told, hastened from the North, and collected the best army he could get together, from the men of London and Kent, and the adjoining shires and neighbouring cities and towns, including Canterbury: William of Malmesbury, however, says he was accompanied by very few forces: and he "met" (according to the Anglo-Saxon Chronicle), but more probably assembled, his army "at the estuary of Appledore." This would be at the outskirts of the forest. From thence he proceeded to Andred, and Mr. Hamper conjectures that either Waterdown or Ashdown forest (both originally part of it) must

have been the place of rendezvous for his army. Sir Henry Ellis gives the preference to Waterdown. CHAP. XX.

William offered Harold the choice of abdication, of single combat, of appeal to the Pope, or that he would cede Northumbria to Harold, and establish his brother Gurth in Kent. The selection of these two shires by William is somewhat significant. From Northumbria Harold had just returned a conqueror; and William must have had some misgiving that the fidelity and attachment of the men of Kent to their lawful sovereign, would make them formidable as opponents. All these proposals were rejected. The battle of Senlac took place Oct. 14th, 1066. The Kentish men were posted in the foremost rank. Harold's standard was first pitched at Battle, and there it remained until he and his two brothers had been slain on the battle field; and on this spot arose that magnificent edifice, the abbey of Battle, "an expiatory offering for the slaughter which had taken place."

Lapp.,
Vol. II., p. 297.

Lower's Con-
tributions to
Literature,
p. 72.

This memorable event took place 1121 years after Julius Cæsar led his Romans, and about 621 years after Hengist brought his sea rovers, to take possession of this country. The Normans so mercilessly ravaged the neighbouring country, that for twenty years afterwards this part of the forest district lay waste and desolate; and it is somewhat remarkable that the property of Harold, Earl Godwin, and the Countess Goda, is comprised under the general expression used in the Domesday of Sussex for this district, "*Vastatum fuit.*"

Ellis'
Introduction,
Vol. I., p. 314.

After burying his dead and placing a garrison at Hastings, William's next object was to secure the coast and establish his communication with Normandy.* Instead therefore of advancing from Hastings through the forest, his first route was to Romney, where he severely chastised the inhabitants for their valour in repelling his invading army. A numerous force had assembled at Dover, and threatened to act on his rear if he proceeded to London;

Lingard,
Vol. I., p. 218.

* Camden says he *divided* his forces, but he gives no authority.

p. 151.

CHAP. XX. he therefore traversed our Kentish coast to Dover (even then called, from its strength and importance, "the lock and key of the whole kingdom"), which he besieged. The fears of the garrison induced them to offer him the keys of the place. The eagerness of his men for plunder would not wait for the form of surrendering the castle, but during the parley they set fire to the town, and consumed a great part, if not the whole of it. Lambarde says that only twenty-nine houses were saved. The acquisition of this port was of great advantage to an invading army suffering at the time from dysentery to an alarming extent. William remained with his army at Dover eight days, and having obtained reinforcements from Normandy, he commenced his march towards London. He had now got on a well-constructed Roman road, and had secured an uninterrupted passage to and from Normandy.

Ellis,
Vol. I., p. 314,
quoting Mr.
Hayley.

Lingard,
Vol. I., p. 219.

Ib., p. 218.

It was during this march that an incident is reported to have occurred which obtained, for a long time, belief among the credulous. The village of Swanscombe is situate near the main road, between Gravesend and Dartford; and here, as it has been gravely told by Thomas Sprot (a monk of Canterbury who lived in the reign of Edward I.):—

Ib., p. 219.

"William saw himself gradually enveloped by what bore the appearance of a moving forest; that on a sudden the branches, which had been taken for trees, fell to the ground, and in their fall disclosed a host of archers with their bows ready bent, and their arrows directed against the invaders; that Stigand, archbishop of Canterbury, and Egelnoth, abbot of St. Augustine's, advancing from the crowd, demanded for the men of Kent the confirmation of their ancient laws and immunities; and that the demand was readily granted by the fears of the astonished Norman. This story is the fiction of later ages, and was unknown to the more ancient writers, from whom we learn that, on his departure from Dover, William was met by the inhabitants of Kent with offers of submission, and received from them hostages as a security for their obedience."*

I have quoted Dr. Lingard on this occasion, as his account partakes less of the ridiculous than most of our

* "*Occurrunt ultro Cantuarii haud procul a Dovera, magis jurant fidelitatem, dant obsides.*—William of Poitou." This writer was with the army at the time.

earlier historians, but the whole narrative is, in the present day, scouted as fabulous. CHAP. XX.

Other historians relate that, marching from Dover to London "the Kentish men met William not far from Dover (probably Barham Downs), swore fealty to him, and delivered him hostages." Harris, p. 308.

According to William of Malmesbury, he proceeded by degrees to London, as became a conqueror with his army, not after a hostile, but after a royal manner. p. 281.

That during this journey William made some important concessions to the men of Kent which preserved the freedom of the tenure of their land, if not of their persons, is generally believed; and I propose to refer to them again when I speak of the feudal system shortly afterwards established throughout England. Mr. Freeman says in his Old English History, "William did not abolish the old Kentish laws, but that is because he did not do so anywhere, nor is there anything to show that he treated Kent better or worse than the rest of the kingdom." This I must respectfully deny, for those Kentish proprietors of the soil who, at the Conquest, held in socage tenure, were allowed to retain their gavelkind liberties, being the laws and usages which the men of Kent have kept "from before the Conquest, and at the Conquest, and ever since until now;" and which have distinguished the alienation, descent, dower, curtesy, and escheat of lands in Kent from those in other shires, and which in substance remain unaltered. William's object was, naturally, to ingratiate himself with the inhabitants of the first shire over which he was traversing; and even assuming he did not enter into any treaty, he allowed the customs and tenure of the land of *an entire county* to remain unaltered, which he did not do in any other part of England. p. 344.

Customal of Kent.
Elton, p. 10

The Conqueror, having firmly established himself on the throne of England, proceeded to fulfil his promise of building a monastery upon the battle field. The royal vill of Wi [Wye], as we have already seen, formed part of

CHAP. XX.

the possessions of the Crown at this time, and William endowed the Abbey with it and other lands. The grant of Wye is not a long one, and it may interest my readers to possess a translation of it; it is supposed to bear date about the fifth year after his accession:—

Translated
from Lark.
Dom., p. 189.

Vide also
Harleian Coll.
of Charters,
pp. 83, A. 12.

“I for the second time do Grant to the Church of Saint Martin, of Battle, the Royal Manor which is called Wi[Wye], with all its appendages of the demesne of my Crown, with all liberties and royal customs as free and quit as I now freely and quietly hold, or as I the King could give, to wit, from all Geld [fine or tax], and Scot [contribution], and Hidage [aid of 6s. collected by the King for every hide of land], and Danegeld, [a tax of 12d. for every hide] and from the work of bridges and castles, and inclosures of parks, and from armies and all aids, and pleas, and plaints, and shires, and hundred courts, with Sac and Soc [jurisdiction and right of holding courts], and Thol [toll], and Theam [power of judging and restraining dependents and criminals], and Infangen-theft [power of seizing and trying criminals within the manor], and war or ward-penny [money paid for watch and ward], and Lastages [market dues], and Hamsoken [forcible entering a man's house], and Forstal [obstruction of the highway], and bloodwite [an amercement for bloodshed], and childwite [a fine of a bondwoman unlawfully begotten with child], and robberies, if they shall happen. Likewise I give two pennies for all forfeitures and pleas of all Hundred Courts which pertain to the summons of Wi. And in Dengemareis [Dengemarsh], which is one member of Wi, I grant to the same Church all maritime customs which I had there, with all wreck. And if the fish come there which is called spear fish [adspeis],* it shall altogether belong to the Abbot and monks; and if it come within the bounds of Blackware, and Horsmede, and Bradelle, unto Withiburne, the Church shall have two parts of the same fish, and the tongue, as I always have had.”

p. 28.

From the circumstance that the king states that this grant is made for the *second* time, it is possible that on the first occasion he did it on the field of battle or before he left the neighbourhood, for in the “Chronicon Monasterii de Bello” it is recorded that when he conferred the manor of Wi, with all its privileges of seven *sulinga*, that is hides, from his crown lands, on the church of Battle, “this thrice renowned prince is remembered to have uttered this saying, remarkable and worthy to be had in remembrance.

* Mr. Larking writes ‘adspeis;’ but I suspect it should be ‘craspeis;’ and it is so written in Chron. Monast. de Bello, p. 30, i. e., *crassus piscis*. The grampus may be the fish thus designated; or it may have been the whale.—Vide Thorpe's Glossary. I have given the above definitions from the best authorities, but there is much uncertainty as to some of them.

For when certain marvelled on account of such munificence, he said, '*I take this away from my body and confer it on my soul,*' and added, '*if my body could hold it freely and quietly, it is fitting that my soul, which is the better part of man, should possess it, if possible, in greater freedom and quietness.*'"

This document contains the grant of a strange mixture of royal prerogatives; still they were such as had been often conferred by Saxon monarchs. "Some Norman charters," says Kemble, "while they confirm many of these privileges, frankly state they do not know the meaning of the words they are using."

We shall find as we proceed that the royal vill, or what will hereafter be called the Manor of Wye, will occupy an important position in our history.

CHAPTER XXI.

DOMESDAY BOOK.

CHAP. XXI.

Domesday
Book.Ellis'
Introduction
to Domesday,
Vol. I., p. 1.

THE attention of the reader must now be directed to the Domesday Book, one of the most ancient records of England; indeed, "the oldest survey of a kingdom now existing in the world," forms a register from which "judgment was to be given up value, tenure, and services of lands therein described."

The year when it was compiled is differently stated by different writers. The earliest period given for its commencement is 1080; the latest for its completion is 1086. Indeed, the colophon attests this, the whole being completed between Christmas, 1085, and 1086—a remarkable instance of official dispatch. It was intended, says Palgrave, to put the Conqueror in possession of the names of the several landholders in the kingdom—the means of ascertaining its military strength and the state of the revenue.

Blackstone (quoting the Sax. Chron.) says:—

Stewart's Ed.,
1853,
Book II., p. 56.

"The nineteenth year of King William's reign (1085) an invasion was apprehended from Denmark, and the military constitution of the kingdom being then laid aside and no other introduced in its stead, the king was wholly defenceless, which occasioned the king to bring over an army of Normans, who were quartered on the landholders and on the people. This apparent weakness, together with the grievance occasioned by a foreign force, might co-operate with the king's remonstration and the better induce the nobility to listen to his proposals for them in a posture of defence. For as soon as the danger was over the king held a great council to inquire into the state of the nation, the immediate consequence of which was the compiling the great book called Domesday Book, which was finished the next year."

The compilation of it was thus effected. Certain commissioners were appointed, called the King's Justices,

who no doubt were assisted by some leading official in each shire ; and they, it appears, CHAP. XXI.

"Upon the oaths of the sheriffs, the Lords of each Manor, the Presbyters of every Church, the Reeves of every hundred, the bailiffs and six villans of every village, were to enquire into the name of the place, who held it in the time of King Edward, who was the present possessor, how many hides in the manor, how many carrucates in demesne, how many homagers [bound to do homage], how many villans, how many cotarii, how many servi, what freemen, how many tenants in socage, what quantity of wood, how much meadow and pasture, what mills and fish ponds, how much added or taken away, what the gross value in King Edward's time, what the present value, and how much each freemen or sockman had or has. All this was to be triply estimated. First, as the estate was held in the time of the Confessor ; then, as it was bestowed by King William ; and thirdly, as its value stood at the formation of the survey. The jurors, were, moreover to state, whether any advance could be made in the value."

Sir Henry Ellis' Introduction to Domesday.

Having, with the aid of Sir Henry Ellis, stated the object which the King had in view in requiring this return, I will now refer to that portion of it which relates to the Forest, chiefly collected from the late Mr. Larking's recent edition (which forms a valuable addition to Kentish history), premising that we shall here find Norman-French names and terms substituted for Anglo-Saxon ones. Thus, the different holdings are termed "manors," and "sheriff" substituted for "geréfa," &c. It is also necessary to state that this record contains no reference to any *ecclesiastical* division or boundary, and that the words "diocese" and "parish" are not to be met with in it.

That the boundary I propose to define may be better understood, I will here insert my second map, which Mr. Thurston has kindly prepared from the materials I have been enabled to furnish ; but it is to Mr. James Elliott, of Dymchurch, that I am indebted for the tracing of the course of the Limen or Rother on the map. I will add three tables ; the first containing the places which I have succeeded in tracing out which were then *wholly* situate within the Weald ; the second, those places which were only *partly* within it at that time, and which the reader will find placed *transversely* on the map ; and the third containing the places *now* either within, or on the borders,

Boundary of the Forest.

CHAP. XXI.

which are *wholly* omitted in Domesday. I propose, however, to postpone the evidence in support of this boundary until I introduce my third and last map.

But I must not here lead the reader to suppose that beyond the eight places (some of them very small) enumerated in the first list, no part of the remainder of the district was under cultivation, or had not been formed into denes; for this would be quite at variance with what has been already advanced and supported by the testimony of Anglo-Saxon charters, showing the existence of Sandhurst, Harbourne, Newenden, Biddenden, and Surrenden, with others which cannot now be identified, long anterior to the Norman invasion.

Ante,
pp. 76, 85, 144.

When the survey was compiled, the Forest was still in a state of transition. Denes were springing up and acquiring names in every direction; but the soil itself, it must be remembered, was even then chiefly vested in the sovereign. For instance, Milton-next-Sittingbourne was a royal Saxon vill, then called Middleton (or the Middle town of the shire), and the district now known to us as Marden (a South Eastern Railway station) was an appendage to Milton; consequently the denes and rights in the Weald which attached to it would be *included* under Middleton though not named, and I will presently refer to the survey in support of this statement. The same remark will also apply to the denes belonging to Bromley, Orpington, Leeds, Peckham, Lenham, the royal vill of Wye, Aldington, Chilham, Charing, Great Chart, East Farleigh, Mersham, Chartham, Eastry, &c., &c. The archbishop was the chief owner of the denes at this time, and of them Aldington (still the most extensive manor in Kent) claimed the greatest number. Without tiring the reader with enumerating other distant villis or hamlets (from this time called manors by the Normans) which enjoyed this common right before the conquest, I will state generally that if every one of the places included in the second list and inserted *transversely* on the map did not possess particular denes, they all participated more or less

in the general advantages, which were not inconsiderable, resulting from their contiguity to the common forest. Still a large extent of it then remained unreclaimed, and was not fenced in; but from the nature of the soil, and its reputation for growing oak, I should doubt whether any portion of it could at any time have been classed with "the 1000 acres of unproductive wood" rented at 24s., which we find in Domesday under the head of "Canterbury;" this sterility arising from a lack of pannage, the land not producing acorns or mast, which could never have existed in the Weald from the time the oak first grew there.

CHAP. XXI.

Larking's
Dom., p. 96.

With these remarks let me now dispose of the eight villis and manors in the following table:—

Table No. 1.

Places mentioned in Domesday, situate WHOLLY in the Forest or Weald.

NAME OF PLACE.		HUNDRED.		TENANT IN CHIEF In Domesday.
In Domesday.	Modern Name.	In Domesday.	Modern Name.	
BELICE (One dene of half a yoke)	—	Rovindene	Rolvenden	Odo, Bishop of Baieux
BENINDENE (Church)	BENENDEN	"	"	"
HASLOW (Church)	HADLOW	Litefele	Littlefield	"
NEWEDENE	NEWENDEN	Selerist	Selbritten- den	Archbishop of Canterbury
PINPA	PIMPE	Tviferde	Twyford	Bishop of Baieux
PALESTREI (Church)	The dene of PALSTER in the Isle of Oxney.	Oxenai	Oxney	"
TEPINDENE (half a yoke)	TIFFENDEN (Now part of High Hal- den)	Blacheburne	Blackborne	Hugh de Mont- fort
TIVEDELE (Church)	TUDELY	Wachelstan	Wachling- stone	Bishop of Baieux

CHAP. XXI.

All the places here enumerated appear from the survey to have been held by the tenants in chief of Edward the Confessor as part of the Crown lands.

- I have already referred to the division of the shire into laths as peculiar to Kent, and have stated that there were seven when Domesday was compiled, now reduced to five. Of the eight places referred to in the preceding list, Belice, Benenden, Newenden, and Tiffenden were situate in Wiwart, now the Lath of Scray or Shirwinhope. Hadlow Pinpa and Tudely were and still are in Aylesford lath, and Palster was in Limowart, now the Lath of Shepway. Six of them it will be seen the King conferred on his uterine brother Odo, Bishop of Baieux, who accompanied him to England, and was created Earl of Kent. The first is Belice, of inconsiderable extent, being only one dene of half a yoke, "which remained without the division of Hugh de Montfort and lay in Belice." Mr. Larking does not venture to assign a place to this dene; it is, however, returned as being in the Hundred of Rolvenden, and we have no other reference to Rolvenden except as a hundred. The next place is Benenden, also in the Hundred of Rolvenden, which Robert de Romenel held of the Bishop of Baieux. This place had made some progress, since we referred to it as a dene in the reign of King Ethelred. Hemsted, now in this parish, is also named in the same charter as a dene. Philipott gives "Binan" as his Saxon root for Benenden; "within or two-fold," as it possessed several denes. It had no doubt become of importance at this time, occupying some of the highest land in the Weald; it is returned as possessing a church. But here it may be proper to remark that in the formation of the Domesday survey there was no injunction on the jurors to make a return of churches, and some were certainly in existence which are not noticed; still, where they are referred to, the survey may be relied on. The next place is Haslow (Hadlow) in the Hundred of Littlefield, which Richard de Tonebrige held of the Bishop, and which appears to have been an extensive district including a
- Ante, p. 114.**
- Larking's Dom., p. 126.**
- Ante, p. 144.**
- Ellis' Introduction to Domesday**
- Larking's Dom., p. 118.**

church, two mills, and twelve fisheries. Pinpa, in the Hundred of Twyford, is the fourth place held by Odo. There appears some difficulty in assigning a locality for it beyond the Hundred: Henshall and Wilkinson consider Pinpa was Pembury, but Pembury is in Wachlingstone and not Twyford Hundred. There was a family named Pimpe who in the reign of Edward I. were owners of considerable property in Nettlested, East Farleigh, and Loose, and a manor in Barming was named after them. Is it probable that Pinpa was a dene in the Weald appendant to this estate? The fifth place named in the list of which Odo became tenant in chief is Tivedele (Tudely, or *two pastures*)* in Wachlingstone Hundred. It is returned as possessing a church. The sixth place which Odo acquired in the Weald was Palster, in an opposite direction, situate between Wittersham and Ebony, in the Isle of Oxney, and near the borders of Romney Marsh,† which also possessed a church. Newedene‡ (Newenden) in the Hundred of Selbritten, is the only Vill in the Weald returned as belonging to the See of Canterbury. This further establishes the antiquity of Newenden, and goes far to prove that all the several denes in the Weald belonging to the See of Canterbury were appendant to manors returned in other parts of the survey. Newenden possessed a market, as we have already noticed, and a reeve.

CHAP. XXI.

Ante, p. 170.

The eighth and remaining place is Tepindene (Tiffenden) in Blackborne Hundred, of which Hugh de Montfort (who accompanied the Conqueror to England, and fought by his side at the battle of Hastings), was the tenant in chief. It answered for only half a yoke and half a team, and is returned as worth then only one hundred pence.

* This in the present day is a correct definition, Tudely being in two parts. The South Eastern Railway now runs through it.

† The men of the district were called by the Saxons *Mersoware*; in Latin, *Viri Palustres*, "Marsh or Fen-men," which no doubt gave the name to this very ancient Manor of Palestrei.

‡ Newenden—a new planted town by *Anderida*, an old Roman station and city.—*Philippot's Kent*, p. 398.

CHAP. XXI. It has preserved its identity to the present day. It now forms part of the parish of High Halden, and was for many years the property of Sir Edward Knatchbull's family, but now belongs to Sir James Domvillé, Bart.

Tunbridge.

p. 190.

Tunbridge, called the Town of Bridges, is situate wholly within the Weald, and is omitted. The district round the manor and castle is still called the Lowy of Tunbridge. There can be no doubt of the existence of Tunbridge Castle at the time of the survey, although it is not noticed by its proper name. There is, however, continual mention made of the *Leuna* or *Leuga Ricardi de Tonebriqe* (in English, Lowy, a Norman term for the district round an abbey, castle, or chief mansion). The Richard de Tonebridge here referred to was also called Richard de Benefacta, or Richard Fitz-Gislibert, and sometimes Richard de Clare. He was another of the companions in arms of William, was present at the battle of Hastings, and had large estates and manors conferred upon him. Mr. Larking remarks that in the description of various manors there are occasional statements that portions of them, or rights of pannage, and seignorial rights, belong to Richard de Tonebridge, as in his *Leuga*, that is, the franchises attached to his castle. It is therefore difficult to say why the castle, town, or manor thus escaped valuation, unless it be that when previously held as it was by the Archbishop, they were exempted from *Danegeld*, and, therefore, as in numerous other instances, they were not noticed by the Commissioners in their returns. If Richard de Tonebridge subsequently acquired his title and castle from an exchange with Archbishop Lanfranc, might not the district up to this time have only consisted of denes appendant to the See of Canterbury, and the Norman castle only in the course of erection and not completed? At any rate it is not returned in the survey.

Tenterden and Cranbrook.

Tenterden* and Cranbrook had not risen to sufficient

* Henshall and Wilkinson in their edition of Domesday assume that Tetentone is intended to represent Tenterden, whereas it is Tinton, in

importance to be noticed in the survey, though it must be obvious that denes existed in both. CHAP. XXI.

Thus, in the centre of the whole of this vast district only eight places are really noticed by name in the survey; (three of them now form only parts of existing parishes), and only four possessed churches, viz.—Benenden, Hadlow, Tudely, and Palster. The last-mentioned place is still preserved as a manor, extending over parts of Wittersham and Ebony, but does not now possess any church. Hadlow and Tudely belonged at the time of the Confessor to Eddeua or Eddeva. Tudely Church was in all probability only an oratory at this time.

The following Hundreds now in the centre of the Weald, are not referred to in the survey:—

BARKLEY.	BRENCHLEY AND HORSMONDEN.
BARNFIELD, GREAT OR EAST.	CRANBROOK.
BARNFIELD, LITTLE OR WEST.	MARDEN.
TENTERDEN.	

Codsheath, another hundred in the lath of Sutton, but on the borders of the Weald, is not mentioned by name; it is probable that portions, if not all of it, formed part of the extensive hundred of Achestan (Axtun) at this time. The hundred of Summerdene (Somerden, or the fruitful green hill in the valley), in the lath of Sutton, now includes parts of Hever, Cowden, Chidingstone, Penshurst, Leigh, Speldhurst, Chevening, and Edenbridge, but none of these places are named in Domesday. Hasted says, "there is no mention made of any place within this hundred in the general survey of Domesday." This statement is in substance correct, though I think it is likely to mislead the reader, as I will presently endeavour to show. Henshall abbreviates the word thus, "Sm. Marden," and treats it as our present Marden, and says, "this hundred consisted of six paltry hamlets without a mill, a church, a fishery, or an acre of meadow." This is an error through-

Vol. I., p. 394.

South Britain,
p. 57.

Warehorne, a manor belonging to Sir Edward Dering, of which I shall have occasion to speak hereafter.

Table No. 2.

CHAP. XXI.

Places mentioned in Domesday, situate PARTLY within the Forest or Weald.

NAME OF PLACE.		HUNDRED.		TENANT IN CHIEF.
In Domesday.	Modern Name.	In Domesday.	Modern Name.	
ALDINTONE	ALDINGTON	Belicolt	Bircholt Franchise	Archbishop of Canterbury
APELDRES	APPLEDORE	Blacheborne	Blackbourne	„
BILSVITONE	BILSINGTON	Nevecerce	Newchurch	Bishop of Baieux
BONINTONE	BONNINGTON	Estraites	Street	Hugh de Montfort
BOLTONE ARCHIEPIS- COP	BOUGHTON MALHERBE	Haiborne	Eyhorne	Archbishop
BOGELEI	BEWLEY IN BOUGHTON MALHERBE	Aihorde	„	Bishop of Baieux
BOLTONE MONCHEN- SEI	BOUGHTON MONCHEL- SEA	„	„	„
BRIESTEDE	BRASTED	Achestan	Brasted	Archbishop
BROTEHAM	WROTHAM	Broteham	Wrotham	„
CERTH	CHART, GREAT	Cert	Chart and Longbridge	„
LITECERT	CHART, LITTLE	Calehelle	Calehill	„
CERTH	CHART SUT- TON	Aihorde	Eyhorne	Bishop of Baieux
HALLINGES	YALDING	Tviferde	Twyford	Richard de Tonbridge
LIMES, Land in, be- longing to Aldington Manor	LYMPNE	Belicolt	Street	Archbishop
MEDDESTANE	MAIDSTONE	Meddestane	Maidstone	„
MAROURDE	MEREWORTH	Litefel	Littlefield	Haimo the Sheriff
MERSEHAM	MERSHAM	Lingebridge	Chart and Longbridge	Archbishop

Table No. 2 (Continued).

NAME OF PLACE.		HUNDRED.		TENANT IN CHIEF.
In Domesday.	Modern Name.	In Domesday.	Modern Name.	
NEDESTEDDE	NETTLE-STEAD	Tviferde	Twyford	Bishop of Baieux
OLSTREHAM	WESTERHAM	Oistreham	Westerham and Eden-bridge	Earl Eustace
ORLEVE-STONE	ORLESTONE	Hame	Ham	Hugh de Montfort
OLECUMBE	ULCOMBE	Achestan, or Eyhorne	Haiborne	Archbishop
OTRINGE-BEEGE	WATERING-BURY	Tviferde	Twyford	Bishop of Baieux
PALESTREI	PALSTER IN WITTERSHAM	Oxenai	Oxney	„
PECHERHAM	PECKHAM, EAST	Litefelle	Littlefield	Archbishop
PECHERHAM	PECKHAM, WEST	„	Littlefield	Bishop of Baieux
PIVENTOSE	PEVINGTON	Caleheve	Calehill	„
PLUCHELEI	PLUCKLEY	Calehelle	Calehill	Archbishop
ROCHINGES Dimidium Solin in half a Suling, in	RUCKINGE	Hame	Newchurch	Hugh de Montfort
ROTINGE	ROTING IN PLUCKLEY	Caleheve	Calehill	Abbey of St. Augustine
SONDRESSE	SUNDRIDGE	Achestan	Codsheath	Archbishop
SUDTONE	SUTTON VALENCE, OR TOWN SUTTON	Aihorde	Eyhorne	Bishop of Baieux
SUDTONE	SUTTON, EAST	„	„	„
TINTINTONE DENE	TINTON IN WAREHORNE	Blacheburne	Blackbo	Hugh de Montfort
WEAHHORNE	WAREHORNE	Hame	Ham	Archbishop

All the several vills and manors mentioned in the foregoing table possessed churches at this time (according to the survey) except

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CHART, GREAT,
CHART, LITTLE,
PECKHAM, WEST,

PLUCKLEY,
WAREHORNE,
WATERINGBURY,

WESTERHAM.

Of these, Pluckley had the benefit of the church of Pivington, now united to it, and Warehorne had the like use of Tinton church.* Great and Little Chart were held of ecclesiastics, so that the spiritual wants of all the then existing Vills fringing the Forest were pretty well attended to.

My third and concluding table contains those vills and manors situated wholly or in part within the Weald, and not to be found in Domesday Book by *name*, though denes belonging to the neighbouring Vills had in most cases been formed, such as Biddenden, Sandhurst, &c., &c.

Table No. 3.

<i>Now WHOLLY within the Weald, but not mentioned.</i>			<i>Now PARTLY within the Weald, but not mentioned.</i>
ASHURST	GOUDHURST	SANDHURST	CHEVENING
BETHEESDEN	HAWKHURST	SHADOXHURST	EGERTON
BIDBOROUGH	HEADCORN	SHIPBORNE	HOTHFIELD
BIDDENDEN	HIGH HALDEN	SMARDEN	HUNTON
BRENCHLEY	HEVER	SPELDHURST	HURST
CAPEL	HORSMONDEN	STAPLEHURST	KENNARDINGTON
CHIDDINGSTONE	LAMBERHURST	STONE	KINGSNORTH
COWDEN	LEIGH	TENTERDEN	LINTON
CRANBROOK	MARDEN	TUNBRIDGE	SEVENOAKS
EBONY	PENBURY	WITTERSHAM	
EDENBRIDGE	PENSHURST	WOODCHURCH	
FRITTENDEN	ROLVENDEN†		

I have not been able to discover any reference to the Andred Forest by that name in the survey, but under the

* The Rev. A. Hussey, in his "Churches of Kent, Sussex, and Surrey," expresses his opinion that the Tinton church of Domesday occupied the site of the present church at Warehorne. Tinton Manor-House is certainly not far from the church.

† Referred to in Domesday only as a Hundred.

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Larking.
pp. 8, 92."Denes" in
Domesday.

Larking, 97.

Ib., 91.

Ib., 99.

Ib., 101.

Ib., 105.

Ib., 111.

Ib.

title of "The (half) lath of Middelstune, in Middleton hundred," it is recorded that "King William holds Middelstune;" and it then proceeds to enumerate what it answers for, and the return is one of the most considerable in the county, including "wood for 220 hogs," and proceeds thus: "*Hœs de Walt*" in the fac-simile, "*Et homines de Walto*" in the extension, "and the men of the Weald" in the translation, "render fifty shillings for 'inward and averages'"—"inuardo et aucris," as strictly translated by Mr. Larking; "in lieu of internal guard and for exemption from the arbitrary services of the lord," as more freely translated by Henshall and Wilkinson.

The denes referred to in Domesday, are by Henshall and Wilkinson throughout translated "*Dingle*," a hollow between two hills;" but "Dene" appears to me more correct, as it also forms the last syllable of the names of so many of the places situate in the district.

It must be remarked that these denes are nowhere mentioned by name; but this is not surprising, as they were appendant to manors situate elsewhere, and passed with those manors, as in the case of Eastry, in the note at the foot of page 224. The first reference to them is to be found in the return of the possessions of the Canons of St. Martin, Dover, where, after referring to three sulings, in three different hundreds, the survey proceeds, "In addition to those three sulings there are five denes." In the return of the King's property we find, under the head of Dartford, "of wood, *eight small and three large denes*." And under the head of Middleton (Milton), "of the King's wood, Wadard holds half a denc."

The Archbishop is returned as possessing Norton, with a small dene; and five denes belonging to Orpington.

Odo, Bishop of Baieux, held, by his tenants, Hagelei, in Achestan (Axton) hundred, with one dene of wood of five hogs; and one dene of wood belonging to Ridlege (Ridley), in the same Hundred. The Bishop also held Eisse (Ash), though the King had two denes in it;

also Elentun (Allington), in Larkfield hundred, and one dene; and Esledes (Leeds), where the Earl of Ow had four denes of the Manor. CHAP. XXI.
Lark., p. 115.
Ib., 118.

Following Piventone (now part of Pluckley), it is recorded that Ralph de Curbespine held of Bishop Odo three denes in Pestinges, which remained without the division of Hugh de Montfort. The Bishop also held Bilsvitone, and the survey proceeds, "In this manor the Bishop placed three denes which remained without the division of the Earl of Ow;" in both these cases I conclude it is meant that these denes did not form parts of those of Hugh de Montfort and the Earl of Ow. The Bishop also held Ewelle (Ewell), and Hugh de Montfort held a dene and a half of that manor. In the list of the lands of Hugh de Montfort, Ralph de Curbespine is returned as holding three denes, "they also are without the division," or not included in Hugh's division. He also held "one dene in Fane, Adam's manor." Ib., 131.
Ib., 132.
Ib.
Ib., 145.

Under the head of the land or territory of Albert the chaplain, in the half lath of Middleton (Milton), there is a return of "four denes of wood rendering pannage for thirty hogs." And the survey proceeds, "Of this manor there are away from it four denes which were there in the time of King Edward, as the hundred testifies" (denes taken from it, but formerly included in its boundaries); and the Bishop of Baieux had three denes. Ib., 147.

The total number referred to in the Domesday of Kent is forty-four entire denes, two halves, and nine small denes. I must here leave the reader to make his own calculations as to the precise quantity of land they would represent. We have no more reliable authority than Spelman on this subject. He tells us that "a dene does not contain a fixed measurement of land, but sometimes 500 acres or more, sometimes less than half, whence comes that expression in Domesday of small denes and large denes." Assuming, however, that all the large denes contained 500 acres each, we have a return of 22,000 acres from them alone. But were all these denes situate in the Ante, p. 88.

Case III. *Wend* - Presiding now, and I think the greater part of them were. We have now, I think, only four other parishes in Kent outside out of the Eastern with "wen" as the terminating syllable, viz. *Borchen*, *Overton*, *Thundersham*, and *Warden*.* and it must be remembered that in these several cases we recorded *wen* as if the vowels and parishes to be found in almost every name. That the *wen* here, though it may be occasionally found in both instances of the survey, was more peculiar to Kent than any other shire, may be inferred from the fact that after a careful perusal of the *Examiner* of the adjoining counties of Sussex and Surrey, I have not met with it more in Sussex, and only once in Surrey, under Copesthorpe hundred. In the return of the territory of the *King* in *Essex* I find - *and land wile* - *and wile* - the *land* - of wood and the *wile*. Still, wherever the termination of a place was in a valley or near woods, this terminating syllable was often used.

Marion and
Bessie's names
in the

* अनुसूचित जाति का प्रतिशत अनुसूचित क्षेत्र में

- The nearest completion of the history of Survey finds that *original* *is* is explained by Speelman and others to mean a parcel of *original* *work* of an indefinite quantity; the translation given from Speelman, ante, p. 54, does not. I submit, whatever such an explanation, or such a limited meaning, exclude what would not furnish such passage, and is noticed in immediately as "also natural" or "modern." It only proves that through the same stress extended into the adjoining times of Survey and Survey, very different terms were applied to the movements of a

CHAPTER XXII.

DOMESDAY SURVEY (CONTINUED).

HAVING furnished the reader with such portions of CHAP. XXII.
Domesday Book as relate to the Weald, I will now, as briefly as possible, give the substance of the most important portion of its contents for the rest of our county. This may, by some persons, be considered unnecessary, after Mr. Larking's recent and valuable publication; but I would remark that; with all its merits (for it is a most careful and painstaking production), the size and price of it almost exclude it from the houses of the middle classes; and the Survey itself, apart from Mr. Larking's valuable notes and appendix, will, I fear, except for reference, be treated, may I say, as useless jargon by the generality of readers of the present day. Still, the rising generation ought not to be entirely ignorant of the contents of this ancient Survey, for "by cutting themselves off from the knowledge of the past," says Isaac Taylor, "they become indifferent to the future." It must be remembered the survey was compiled by Normans, from information supplied by Saxon lips, they (the Normans) imperfectly understanding and thoroughly detesting the Saxon language. Hence, though it abounds in errors, the wonder is, that, with this prejudice, it is as intelligible as we find it. One instance of its mode of dealing with our Kentish names will suffice. Bircholt, not far from Ashford, now belonging to Mr. Knatchbull-Hugessen, M.P., the name consisting of only eight letters, is referred to seven times, and is spelt in five different ways, thus:—"Belicolt, Bilissold, Berisout, Briceode, Beriscolt." There

CHAP. XXII.

was the hundred of Bircholt barony, exempt from the jurisdiction of any lath, and termed neutral, being part of the lands held by the Constable of Dover Castle; and there was also the hundred of Bircholt franchise, being within the liberty of the Archbishop's manor of Aldington; Bircholt, Brabourne, and Hastingleigh, being in the barony, and Aldington and Smeeth in the franchise.

The original book is in two volumes. One, a folio containing 382 double pages of vellum, on each of which are two columns fairly written in a small but plain character. The lesser volume a quarto, and has 450 double pages of vellum with only one column on each page. The handwriting in this volume is larger and stronger than in the other. The Norman scribes were no doubt becoming better acquainted with their work, the descriptions are more minute and the erasures not so numerous; it is also in better preservation and less soiled, not having been so often consulted. Both volumes were originally bound in thick wooden covers secured with plates of brass. The first contains thirty-one counties. Kent standing first, Sussex, Surrey, and Hampshire follow, with the intermediate shires as far as Cornwall, before Middlesex is inserted; from which it may be inferred that the southern and western shires were first completed.

The ordinary course in most of the counties was to commence with the territories of the Sovereign, but in Kent Dover stands first and Canterbury follows. Then we meet with the return of the King's lands, which were of no considerable extent in this shire, and comprised Dartford, Aylesford, Milton (next Sittingbourne), and Faversham,* William having been previously given Wye to Battle Abbey.

We next find a return of the territory of the Archbishop

Lord Lytton's Life of
Hen. II., Vol.
II., p. 237.

* These were independent of the cities and boroughs which the King retained in his own possession. The whole of the ancient demesne of the Crown consisted of 1422 manors with some scattered property and quit rents paid out of other manors. Not a single manor in any part of England is put down in the Survey as belonging to any of the Conqueror's sons.

of Canterbury and his monks and men, and these in the Survey are classed under Nos. 2 and 3. Henshall and Wilkinson substitute "knights" for men. The original is "hoes" (homines); and Mr. Larking strictly translates the text "men." Though numbered 2 and 3 they are coupled with the Archbishop. This no doubt was correct, for until the Conquest a Bishop and his monks lived in common as one family. And it was not until a few years afterwards that Lanfranc being firmly seated in the See of Canterbury, separated his revenues from those of his monks. Adhering to the original Survey and excluding the King, there would have been twelve tenants in chief in Kent; but it was possibly a mistake of the scribe who arranged the materials, for in the Survey itself the return of the land of knights of the Archbishop is made before that of the monks; and there is not one acre recorded to have been held in Kent by any monk from the Monarch. It is all returned as being held by the Archbishop himself. This would reduce the number to eleven, the same as in the time of Edward the Confessor. Brady certainly suggests that under the heading "*Monachi ejus*" (his monks) were comprehended the lands of the Holy Trinity and St. Martin, in Canterbury, and perhaps St. Martin, in Dover.

CHAP. XXII.

Ante, p. 180.

Appen. to
Tracts, p. 3.

Stigand, it will be remembered, was Archbishop of Canterbury under Harold, and was the first to throw himself on the mercy of the Conqueror as he crossed the Thames at Wallingford; but William would not allow him to crown him. This ceremony was performed by Aldred, Archbishop of York. Stigand (if history has dealt fairly with him) was unworthy his sacred office; but it must not be forgotten that he was regarded by the Normans as the supplanter of their countryman, Robert of Jumièges. He was suspended, and finally deposed in 1070, when Lanfranc, a native of Pavia, and a man of great ability, was appointed his successor.* William inter-

Lingard's
Hist. of Eng.,
Vol. I., p. 219.

* Archbishop Lanfranc rebuilt the Cathedral of Canterbury from the ground, and his own Palace at Canterbury, with all the edifices belonging to the two monasteries of St. Augustine and Christ Church.

CHAP. XXII. fered but little with the possessions of the Archbishop and his monks in Kent. The knights of the Archbishop were vavasores or real vassals, members of the Archbishop's baronial court, where the causes of knights or vavasors were decided; and among them were the Earl of Ow or Eu,* Hugh de Montfort, and Richard de Tonbrige, of whom we have already spoken.

The next in order in the survey are the lands of the Bishop of Rochester, which were inconsiderable. The hundreds which inclosed his manors are badly defined, but they all appear to be situate within his diocese. The see, like the city, of Rochester, was in an improving condition, and both needed it; for in the time of Edward the Confessor, while the city of Canterbury was valued at £51, the city of Rochester was only valued at 100s. The see and the city had both suffered much from the devastation of the Danes.

We then find recorded the lands of the Bishop of Baieux. The preceding Kentish landowners were substantially the same; while all the lands specified in the survey as belonging to Odo were, of course, new grants from the Conqueror of lands of which Saxon owners had been dispossessed, and which had been increased by his own spoliations. His territories in Kent exceeded those of all his Norman companions put together, and included 184 lordships in this shire alone, and 255 in others. He was reputed the wisest man in England, but his wisdom was unsanctified. He became avaricious and oppressive, and seized on some of the Archbishop's lands, which, by a verdict given against him at Penenden Heath, he had to restore.† He bought a palace at Rome, and determined to employ his riches in the purchase of the Papacy; ultimately he became a traitor to that king who had done so much for him; and before Domesday book was com-

* A companion in arms of the Conqueror, to whom he gave the castle of Hastings. He had large holdings in Kent, including some of the denes in the Weald.

† Lanfranc recovered twenty-five manors in different counties of which he had been disseized by Odo.

pleted, he was deprived of all these enormous grants. Sir Henry Ellis, however, is of opinion that they were under sequestration, but not forfeited at this time. CHAP. XXII.

The lands of Battle Abbey, comprising only the royal manor of Wye, are next inserted in the Survey; a translation of the grant of these lands will be found in Chap. XX. It was no doubt a very extensive territory. p. 214.

This is the only entry in Domesday which I propose to set out *in extenso*, adopting Mr. Larking's translation; it will serve as a specimen of all the rest, and will enable me I trust to clear up a difficulty which has arisen on the proper construction to be put on the last sentence in this portion of the survey:—

“THE LAND OF THE CHURCH OF LABATAILGE.”

“The Abbot of St. Martin, of the place of the Battle, holds the manor that is called Wi, which, in the time of King Edward, and now, answers for seven sulings. There is the arable land of fifty-two teams. In domene there are nine teams. And one hundred and fourteen villans, with twenty-two borders, have seventeen teams. A church there. And seven slaves. And four mills of twenty-three shillings and eightpence. And one hundred and thirty-three acres of meadow. And the wood of three hundred hogs from pannage. Larking,
p. 136.

“In the time of King Edward, it was worth fourscore pounds and one hundred shillings and eightpence. When he received it, one hundred and twenty-five pounds, and ten shillings, of twenty to the ore. Now, one hundred pounds by tale. And if the Abbot had sacs and socs, it would be appraised at twenty pounds more.

Sic, &c in orig.

“Ralph de Curbespine holds one denn and one yoke of the land of the socmen of this manor, rendering sixpence of custom.

“And Adelulf two parts of one suling, rendering twelve pence.

“And Hugh de Montfort has two yokes, rendering three hundred eels and two shillings.

“And, in the time of King Edward, they rendered sac and soc.

“The sac and soc of twenty-two hundreds pertain to this manor, and all forfeitures which justly pertain to the King.”

Under the head of Wye, Lambarde thus writes:—

“The Chronicles of Battle Abbey affirm that there were sometimes two and twenty Hundreds subject to the jurisdiction of this Manor; which, if it be true, then (as far as I can reach by conjecture) the territory of Wye was the very same in compass that now the Last of Scray (or Sherwinhope) describeth, that is to say, the fifth part of this whole shire, consisting of two and twenty hundreds in number.”

The Rev. Mr. Henshall, at the close of the last century, commenced a history of South Britain from the reign of

CHAP. XXII. Edward the Confessor to the reign of Edward the First (which was never finished), and he thus comments on Lambarde's conjecture :—

p. 51.

"The peculiar hundred of Wye comprehended seven distinct manors or places. But as there is an uncommon entry in Domesday relative to the jurisdiction of this district, we cannot with propriety omit noticing it, though not certain whether our interpretation will be admitted. It is stated, that 'of the twenty-two hundreds belonging to this manor, sac and soc, and all fines justly appertain to the monarch.' Lambarde reports, in his Perambulation, that the Chronicle of Battle Abbey contains a similar Register. He endeavours to overcome the difficulty by a suggestion that the Lath of Sherwinhope contains an equal number of hundreds, and therefore Wye must have included the whole of that division of East Kent. This solution cannot be admitted, because he includes Boughton, situated in the Borough-lath, Blackburn, Rovinden, and Tenterden, in Liming-Lath; Milton, itself a lath at this era; and numerates Barkley, Branfield, and Cranbrook in his catalogue, names totally unknown at that period. Yet, with such inadmissible additions, he only reckons nineteen hundreds in the lath, which by such well-authorized deductions are reduced to eleven. This extension also would totally destroy the oval form of Wye (Wi, an egg), from which probably it obtained the name. With submission, then, we suggest the following illustration :—

"Manor, in common acceptance, is a less general term than hundred, consequently in this passage must be used in an extraordinary sense. Manor, in its original signification, comprehended the resident inhabitants of a district, subjected to the control of a particular court. But as there were courts of frank pledge, there were likewise baronial courts; as there were inferiors manors of a knight, there were superior manors of an earl, viscount, or baron, that controlled the subordinate. From such and other concurring difficulties, the ignorant scribes of Domesday were reduced to a dilemma; for if they had stated that in the lath of Wye there were twenty-two hundreds, the record would have been incorrect and irrelevant, since speaking of a jurisdiction that extended not even to one-third of the number. If they had stated that one manor contained twenty-two manors, they must have explained their nature and difference. To avoid this difficulty, and yet render themselves perfectly intelligible to a county jury, they report that the baronial manor of Wye, which the king transferred not to the Abbey of Battle, but retained under the government of his viscount, comprehended twenty-two inferior jurisdictions, that occasionally appealed to its court on litigated points, and that the fines arising from such controversies yielded a revenue of twenty pounds to the proprietor. This entry was intended to discriminate between the petty manors that owed immediate suit and service to the court of Wye, as the head of the barony, and the extensive lordships, not only in Wye lath, but in the appropriate hundred of Wye, occupied by peers of the Crown, by Odo and Earl Eustace, Hugh Montfort, and Haimo Viscount. This illustration is strongly supported by other

authorities, by proofs that the feudal retainer Montfort held districts that in Edward's time supplied eels to the court of the lord." CHAP. XXII.

Now I hope with the assistance of the Chronicon p. 29.
Monasterii de Bello to be able to satisfy the reader that both the Father of Kentish topography, and Mr. Henshall, are wrong in their conjectures.

After referring to the Conqueror's gift of Wye to the Abbey, the Chronicle proceeds:—

"To this *manor* (Wye) has belonged from a remote period a dignity above others, that with its hundred it should be paramount, or take precedence of the twenty-two hundreds and a half belonging to its franchise or socha; whereupon as often as they were bound to appear at county or other customary assemblies, the Sheriff of Kent, upon the time and place being fixed, ought to issue forth his sealed letters to the reeve or bailiff of Wye or his deputy, and he himself afterwards to summon in the customary manner. When these are assembled, the reeve or bailiff of Wye, or his deputy, shall receive securities for all pleas and forfeitures of the aforesaid hundreds, and likewise two pence. On account of this summoning, the hundred of Wye is exempt from all custom (tax). And it now belongs as entirely to the Abbey of Battel as it formerly did to the King.

Vide also
Lower's
translation,
p. 33.

"Now a custom which had prevailed from ancient times throughout England had grown into a law, namely, that earls of the provinces should receive for themselves the third penny of the shire. For this reason they were called earls (*comites*). Hence, because the King had granted the whole county of Kent to his brother Odo, then bishop of Bayeux, he gave to his abbey of Battel only the two pence which he held in his own hands, the third being retained by the bishop to whom the county had been assigned. But subsequently, when the bishop became involved in misfortune and lost his county, this third penny escheated to the Crown.

"In Dengemarsch, which is a member or part of Wye, King William granted all the maritime customs he held there from the sea. Thus, if the fish called *craspeis* should be cast ashore there, it belongs entirely to the Abbot and monks; and if it should come to the neighbouring land within certain limits, namely, between *Horsmede* and *Withiburne*, which belongs to the Soke of Wye, two parts of it, with the tongue, belong to the Abbot and monks of Battel as fully as they had previously done to the King. He likewise granted them the right of wreck happening there.

"By all this the King's interest in the welfare of Battel Abbey is clearly manifested. And as often as any royal edicts were issued to the sheriffs and justices of Kent, or their deputies, respecting the affairs of the Abbey, the royal letters contained an especial direction that they should preserve all the royal liberties and customs of the Manor of Wye unimpaired, that his Abbey and monks of Battel might enjoy them as peaceably and undisturbedly as he himself had previously done."

Lambard's and Henshall's error arose from an imper-

CHAP. XXII. fect knowledge of the original grant, and an endeavour
 Ante, p. 214. to connect it *exclusively* with the lath of Scray or Sherwinhope; but if the reader will turn to the charter itself he will find these words, "Likewise I give two pennies for all forfeitures and pleas of all *hundred courts which pertain to the summons of Wi (Wye.)*"

Without referring to any one particular lath, or to any given number of hundred courts in any one lath, and omitting those hundreds which Mr. Henshall very properly says were not in existence at this time, I think I shall be able to point out the twenty-two hundreds within the franchise of Wye, over which Wye was paramount:—

*Twenty-two Hundreds in East Kent, pertaining to the
 summons of Wye.**

FOLKESTONE,	MILTON,
LONINGBOROUGH	TEYNHAM,
STOWTING,	FAVERSHAM,
HEANE,	BOUGHTON UNDER BLEAN,
BIRCHOLT (Franchise),	FELBOROUGH,
STREET,	BIRCHOLT (Barony),
WORTH,	CHART AND
NEWCHURCH,	LONGBRIDGE,
HAM,	CALEHILL,
LONGPORT,	Being the nine hundreds formerly
ST. MARTIN POUNTNEY,	in the Laths of Middleton (Milton)
ALOESBRIDGE,	and Scray or Sherwinhope.
OXNEY,	
Being the thirteen hundreds formerly in Limowart Lath and now part of Shipway.	

This assignment of the twenty-two hundreds which I have thus sketched out, does not in any way interfere with the original Borough and Eastry laths, now united and forming the lath of St. Augustine, in East Kent; nor with Aylesford and Sutton laths in West Kent; while at the same time it *includes* EVERY *hundred* of the present lath of Shepway and EVERY hundred of the present lath of Scray,

* I prefer giving here the modern names, in consequence of the confusion of names in the Survey.

EXCEPT the seven hundreds in the Weald, which were not, CHAP. XXII.
as I have already stated, then in existence.

I have thus endeavoured, and I trust successfully, to remove a difficulty which had existed in the minds of former writers, and at the same time defined the twenty-two hundreds in the Eastern part of the shire, over which Wye was paramount at the time of the Norman Conquest. But I must not dismiss the subject without endeavouring to explain the term, "*denarius tertius Comitatus*." While the county courts continued supreme, the King received two-thirds of the fine and other profits which accrued at these courts, and the remaining third part, termed the third penny, was secured to the Earl on his creation, when the king girded him with the sword of the county. Thus, by the grant from the Conqueror (if my reading is correct) the Abbey of Battle became entitled to the sovereign's two third-parts of the profits arising from the pleas and other perquisites of the twenty-two hundreds over which Wye was paramount, while the Earl of Kent was entitled to the remaining one third-part.

Let us now return to the survey, and record the names of the remaining possessors of Kentish soil.

Next in order after the Abbey of Battle was the Abbey of St. Augustine, whose lands, like those of the Archbishop, stood as they were (with the exception of subsequent grants) in the time of Edward the Confessor.

We then come to the Abbey of St. Peter of Ghent, in Flanders. It was no uncommon thing at this period for foreign ecclesiastical foundations and the heads of their establishments to hold lands in England. We have already noticed the charter granting Lewisham with certain denes in Andred to the Abbey of Ghent. The Kent survey confirms this right of the Abbey; nevertheless, it will not render authentic a document which has been considered spurious. In the survey for Middlesex, Gloucester, Hampshire, Oxford, Hertford, &c., will be found numerous similar instances of holdings by *foreign* ecclesiastics.

Ante p. 147.

CHAP. XXII.

Larking's
Notes, p. 182.

The survey then records the territories of Hugh de Montfort, Eustace Earl of Boulogne (who had Westerham and Boughton Aluph, formerly held by Earl Godwin); and Richard de Tonebrige (of whom we have already spoken). Haimo Vicecomes (the sheriff) stood next. Mr. Larking says that "besides those lands which he seems to have held merely as the King's officer in ancient demesne," he held Brasted, Eltham, Ditton, Mereworth, Blean, &c., and we know from other sources that on the disgrace of Odo he acquired Chatham, Leeds, &c. He seems to have continued Sheriff to the end of his life. The last is Albert the chaplain, "an office," according to Kelham, "which might be interpreted both secretary and chancellor, for these offices and that of king's chaplain were in early times one and the same, being always filled by an ecclesiastic who had also the care of the king's chapel."

The tenants in capite in the Domesday of Kent stood therefore thus:—

The Archbishop of Canterbury and his monks and knights,	The Abbey of Gand (Ghent), Hugh de Montfort,
The Bishop of Rochester,	Earl Eustace,
The Bishop of Baieux,	Richard de Tonebrige,
The Abbey of Battle,	Haimo the Sheriff,
The Abbey of St. Augustine,	Albert the Chaplain.

It will be observed that seven of the number were ecclesiastics.

The different Norman chiefs who joined William's expedition were mainly influenced by the hope of gain, and were enriched either in proportion to their rank, or the supplies they had furnished. These chiefs had subordinates, who were denominated the mesne lords; and thus the kingdom became divided and subdivided. It should be noticed that the undertenants, the subfeudarii, were rarely disturbed; a stroke of admirable policy.

Let us now refer to such other portions of Domesday as are likely to interest the general reader.

I will first remark that Harold is throughout termed a usurper. It was of course William's policy to make it

appear to the nation that he was the rightful successor to Edward the Confessor ;* and passing over the interval of time which had elapsed between Edward's death and the Norman conquest, the Survey carefully records the state of matters "in the time of King Edward," shortly expressed thus—"T.R.E."

CHAP. XXII.

Sir Francis Palgrave says that—

"He (King William) never departed from the principle that he had placed himself in the position of a legitimate Sovereign asserting legitimate rights ; and it is hardly possible to deny but that on Constitutional grounds he had a better title than *he who was vanquished* by the battle of Hastings. * * * * And amongst the many proceedings which so singularly and specially mark the destinies of the English nation, it is impossible to doubt but that the effect of the conquest was in every respect to increase the powers of good, to strengthen the national intellect, and also if they be blessings, to give the greatest impulse to its worldly prosperity and glory."

It is somewhat remarkable, while it is to the honour of King William, and shows how discreet he was, that he did not confer a single acre on his sons.

There are but few historical notices in Domesday ; and those only very brief and casual.

Ellis'
Introd.

* "When he conquered or acquired England" occurs only once in the Survey.

CHAPTER XXIII.

DOMESDAY SURVEY (CONCLUDED).

CHAP. XXIII.
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AS Wye was the first of the Conqueror's newly acquired possessions in Kent conferred on the Abbey of Battle after the contest at Hastings, so the Earldom of Kent bestowed on Odo, Bishop of Baieux (though an ecclesiastic) was the first place of power and trust, in the shire, which he gave to his companions in arms.

At the commencement of the Survey we find "The Burgesses (of Dover) give the king twenty ships once a year for fifteen days, and in each ship were twenty-one men; this they did for having endowed them with *saca* and *soca*." To this Mr. Larking appends a note:—"Quinque Portus—Here then we have a record of the origin of the Cinque Ports and their privileges."

Now the year after his coronation (1067) William visited Normandy, and his kinsman Fitz-Osburn was left in charge of the kingdom. "But," says William of Poitiers, "the castle of Dover, with the *adjacent south shore*, he committed to his brother Odo." To this Mr. Larking adds, "Odo then was made Earl of Kent, and also Custos of Dover, in other style Lord Warden." Are we to infer this from these passages? * That some

p. 155.

Vol. IV., p. 67,
fol. ed.

* "From carelessness and envy," says Hasted, "the records connected with the castle and Cinque Ports have been, at different times, destroyed." The charters of Charles I. and II., and the only remaining records of the present united body are kept at Romney, being the central port where the courts of Brotherhood and Guestling are usually held.

of the south-eastern ports deservedly enjoyed, from our earliest history, privileges conferred upon them *individually*, I admit; but surely these privileges were not at this period the privileges of a united body, a corporation, or brotherhood. All we trace is a recognition of certain services which the burgesses of Dover rendered to the Confessor in return for the franchise of *saca* and *soca*.^{*} It has never, I think, been contended that the Cinque Ports existed *by that name* in Saxon times. In the case of Sandwich, the Survey records that the Archbishop holds "this burgh," which "renders to the King the like service as Dover." Hythe is only referred to incidentally, thus: "To this manor (Salteode, Saltwood), pertain 225 burgesses in the borough of Heda" (Hythe); and under Lyminge, which the Archbishop also held, "thereto pertain six burgesses of Hede"—nothing more. Then as to Romney; under 'Lampport hundred' we have this return:—

CHAP. XXIII.

Larking, p. 93.

Ib., p. 99.

Ib., p. 105.

"To this manor pertain twenty-one burgesses who are in Romenel, of whom the Archbishop has three forfeitures—robbery, breach of the peace, foristel. But the King has all service from them, and they themselves have all the customs and other forfeitures in return for sea service, and are in the King's hands."

At another part of Domesday, in 'Lanport hundred':—

"Robert de Romenel has fifty burgesses in the burgh of Romenel,† and of them the King has all the service, and in return for the service of the sea they are quit of all the customs but the three, robbery, breach of the peace, and foristel."

Ib., p. 132.

There is a third entry under Bircholt hundred:—

"In Romenel there are twenty-five burgesses appertaining to Aldington, the Archbishop's manor."

Ib., p. 103.

If we turn to the Domesday of Sussex, under the head of 'Bexelei hundred,' we shall find it equally silent as to Hastings; it merely records that "King William

* Which services, according to Lambarde, were originally "the honourable transportation and safe conduct of the king's own person and his army over the narrow seas," rendered at this time by Dover and the neighbouring ports.

† Old Romney was the important haven on which the privileges were conferred at the time of the Confessor, and nearly 300 years elapsed before they were transferred to the present town and port; which was mainly occasioned by the diversion of the Rother.

THE WALL

was the same as the one of 1000, and must have been a much less length of boundary, as you will find. While the "two ancient towns," Winchester and Eps, which formed the boundary had given to the place a Roman or Saxon name. We see it in the wall of Romney by these names. Winchester is retained under "Winchester" and "Eps" by the name of Epsom, and was still of the same. Here are the churches and the walls. It is the same as a new boundary and a boundary, which are only two names. The name of Winchester is retained. It follows it. Winchester is the same as Winchester, and the name of Winchester is the same as Winchester.

There is the time of the Survey, may be reached by following the line, but even this is not included in the list of its boundaries. The parts of Sandwich, Romney, and Eps, with Winchester and Eps, were then part of Winchester, and Epsom by a Roman wall.

We have then, during the reign of the Conqueror, any kind of union between all or any of these several parts? I think not. The only argument for the affirmative is in a very brief reference in a charter of Edward the Confessor, to be noticed presently.

June 1, 2.

I have already referred to Mr. Lewis's remarks on the limits of the Roman Saxons, or Roman Eps along this coast. He tells us they were nine in number. Of these he assigns four to Kent—Canterbury, Sandwich, Dover, and Epsom; while Romney and some of our earlier and even modern writers include November as the site of London, making a fifth fort in Kent. Mr.

* This name had been previously held by Bishop Aethel under King Edward.

† The Conqueror died within a year after the completion of the Survey.

‡ "The old name of Winchester," says Mr. W. D. Cooper, "is here plainly indicated."

§ Dr. Johnson in his *Antiquities* Winchester is reported to have been a city in the time the Romans were here, and was included with Eps under the name of Winchester.

¶ The words "parts" of Eps, Romney, Winchester, and Hastings, as single parts.

Notes of V. n.
chapters p. 6.
June 1, 2.

Lewin, however, places this at Pevensey. The Roman *Ports* in Kent appear to have been only *three* in number, namely, Richborough (subsequently Sandwich), Dover, and Lympne, so called, it is conjectured, from the River Lemanis, now known as the Rother, which in pre-historic times, Mr. Lewin surmises, flowed at the foot of Lympne Hill and discharged itself into the sea at Hythe, but before Cæsar's invasion, became diverted to Romney, and so continued during the Roman period. He treats the Portus Lemanis as the port afterwards known as Hythe. Be this as it may, we find no reference in Domesday to any privileges conferred on Hythe, and it would appear that Romney had at the time of the Conquest supplanted the Port at Lemana, or Hythe, as it was then called, and become the third favoured Kentish port. Thus Lord Coke infers that the privileged ports were at first only Dover, Sandwich, and Romney, and this is generally admitted.

CHAP. XXIII.

Ante, p. 53.

The Castra,
p. 15.

In venturing to call in question the antiquity of the Cinque Ports as a *body corporate and brotherhood*, I am, perhaps, somewhat presumptuous; but this ancient body are well represented by their worthy registrar (Mr. Edward Knocker). He will, however, pardon me for saying that his case needs better testimony than the following extract from his "Grand Court of Shipway,"—Lambarde possibly led him into the error:—

p. 21.

"Soon after the record of the Domesday was compiled, in the fourth year of the Conquest, William I. granted a charter to the "Cinque" Ports, embracing, with those already mentioned [Dover, Sandwich, and Romney], Hastings and Hythe; places which thus appear for the first time."

Jeske, in his valuable work on the "Charters of the Cinque Ports, two ancient towns and their members," sets out the charter granted by Charles II. (A.D. 1668), which recapitulates the privileges contained in certain charters previously granted to that body, and among them a charter of confirmation of Edward I., which provides:—

p. 23.

"That for the faithful services of the Barons of the Cinque Ports hitherto done to our predecessors, they may have (*inter alia*) their liberties and freedoms from henceforth as they and their ancestors, them, at any time better, more fully, and more honourably, have had in the

CHAP. XXIII. times of Edward (the Confessor), William the First and Second, King Henry (the Second), our great grandfather, and in the time of King Richard (the First), and King John, our grandfather, and of the Lord King Henry (the Third), our father, kings of England, by their charters, as the same charters, which the same our barons thereof have, and we have seen * do reasonably testify."

It is, I presume, on this provision, which is merely a general recognition of former liberties, that the Cinque Ports rely and base the antiquity of their *body corporate*, and not on the charter of William I., referred to by Mr. Knocker, for we have the authority of Jeake himself for stating that it is questionable whether there were any charters granted to the ports as a *body corporate* prior to the reign of Edward the First. Each port and town appears to have regulated its own affairs, and collected and applied its own port dues: thus, in the 31st Henry I. (1247), I find the following entry on the Pipe roll:—"The Abbot of Fécamp owes 60s. for half the toll of the ships of Winchelsea." In the contest between Henry II. and Thomas Becket, it was one of the Archbishop's grievances that he was deprived of the custody of the Castle of Saltwood and Hythe, which he claimed, with the Castle of Rochester, as belonging to his see; and it was not without reason that Becket selected his own port of Romney when he endeavoured to effect his escape from England, but being driven back he was secured and carried a prisoner to Northampton. The Castle of Saltwood was restored by King John to the see, and the Archbishops appointed the constables of it.

Osbern, in his tract on the storm or capture of Lisbon, in King Stephen's reign (Memorials of Richard I., Vol. I., p. cxxlv.), says:—"All the ships of Kent were under Simon of Dover;" the rest of the fleet being divided into Norfolk

Jeake, p. 23. * "Whatever became of these old charters," says Mr. Jeake, "I cannot say, but it seems they were extant at the time King Edward the First granted this charter, and produced before him by the barons of the ports, as this passage plainly implies. It is likely length and tract of time hath worn them out, or they are otherwise perished or lost, as is afterward hinted in the charter of Queen Elizabeth." This charter recites that "divers of the most ancient charters made to the barons of the Cinque Ports, by length and tract of long time and many ages or otherwise are perished and utterly worn out, lost or decayed."

pp. 23, 115.

p. 115.

Gervas,
col. 1384,
1669.

Harris, p. 527.
Kilburne,
p. 233.

and Suffolk, London, and Hampshire; but there is no reference to the Cinque Ports nor to Sussex. Simon of Dover is not to be found in the list of constables or wardens. It is not until the reign of King John that the term 'Cinque Ports' is generally adopted. Thus, A.D. 1206, Hugh of Evermere gives ten marks that Gilbert of Tylemeneston be judged according to the *custom of the Cinque Ports*, and forced to pay money," &c. He (King John) it was, says Tomlins, who *first* granted the privileges to those ports which they still enjoy, upon condition that they should provide a certain number of ships, at their own charge, for forty days, as often as the King should have occasion for them in the wars; he being under the necessity of having a navy for the recovery of the dukedom of Normandy which he had lost. But he gives no authority; Knighton, however, says as much, though he is not considered a first-rate authority; but he writes as if he had investigated the subject.

CHAP. XXIII.

Rot. de Fin.,
p. 358.

Title
'Cinque Ports,'
4th ed., by
Granger.

H. Knighton,
Cron., fo. 2124.

The men of the south-eastern Ports were usually steady adherents of King John; in his retirement, in the Isle of Wight, the mariners of the Cinque Ports were almost the only subjects who did not desert him. They are thus referred to in the great Roll of the Pipe, in the first year of his reign—"Kent. Amerciements made by Stephen de Turneham and his associates *of the men of the Cinque Ports*. The township of Hee (Hythe) fourscore marks of mercy, for grain sent into Flanders," which no doubt had been smuggled out of the country. March 17th, 1208, King John tells his 'lieges of the Cinque Ports' to send the muster-roll of their ships to London to William de Wrotham, Archdeacon of Taunton, who was first the lieutenant, and afterwards constable of Dover Castle, and Lord Warden.* It is worthy of remark that the charters granted by King John were to every town apart. "The Great Charter"

Mag. Rot.,
1 Joh. Rot. 56.,
Kent.

Patent Roll,
p. 80.

Jeake, p. 122.

* Mr. Foss, in his "Judges of England," says that William de Wrotham was warden of the *sea* ports, 11 and 12 John, and in that character ordered as late as 16 John, to provide a ship for Wm. de Percy in the King service.

CHAP. XXIII. (9 Henry III.), confirmed by 28 Edward I., contains a confirmation of the liberties of London and other cities and towns; and the ports are thus referred to:—"The Barons of the Five Ports, and all other ports, shall have their liberties and free customs." Here we first meet with "the Barons of the Five Ports," in one of our most memorable statutes, and I do not remember to have seen any previous notice of it by our local historians. Whatever these "liberties and free customs" were, they are here recognised, which goes far to prove that some union then existed. That the Sovereign, however, was not in the receipt of the port dues for *all* the ports, even in the reign of King Henry III., we have ample evidence, for in the year 1229,* when the Archbishopric of Canterbury was vacant, and its emoluments received by the Commissioners of the Crown (Bertram de Criol and Alan Punnaunt) from the 17th of July, 12th Henry III., to the last day of March in the year following, they include "£10 14s. 11½d., the issues of the ports of Romenel and Hee" (Romney and Hythe).† It would therefore appear that these two ports at this time still composed part of the possessions of the see of Canterbury. Eighteen years later, we find that Winchelsea and Rye were still held by the Abbot of Fécamp, when "for the better defence of the realm, and it might be to conceal from foreigners the intelligence of affairs at home, and stop them of such convenient ports of passage," Henry III. took these ports into his own hands, and gave the Abbot and monks the manor of Chilcenharn (Cheltenham) and other possessions in exchange. This took place in the thirty-first year of

Jeake, p. 103.

* This was between the death of Stephen Langton and the consecration of Richard Wethershed. On the death of Langton, Walter de Evesham was elected; the king (Henry III.) did not approve of the appointment and the Pope was appealed to, but the monks to avoid his interposition made a fresh appointment, and selected Richard Wethershed, who was consecrated with great honour at Canterbury—Henry III., thirteen bishops, and forty-one earls and barons being present.

† It is a very interesting document, showing how an Archbishop's income was made up in those days, and how vast were his possessions; it also proves that the see had recovered the Castle of Saltwood and the port dues of Hythe, of which Becket had been deprived by Henry II.

his reign, and before the barons' war. The charter, or deed of exchange, contains this remarkable recital :—

"Having felt it our duty to look with the greatest care, not only to the faithful government of our kingdom, but also to the imminent perils thereof, considering on all sides the state of our realm, and chiefly its maritime parts, we have discovered that, by the means of the towns of Winchelsea and Rye, which are called the more noble members* of our Cinque Ports, which have hitherto been held by the Abbot and monks of Fécamp, to whom it is not allowed to fight against the enemies of the kingdom with material weapons, it might entail irreparable damage on us and our heirs in time of war, provided they should remain in the hands of the said Abbot and monks; wherefore, by the advice of our council, and by the free consent of the said Abbot and monks of Fécamp, we have resumed into our own hands the said towns of Winchelsea and Rye, with their ports, and the patronage of their churches."

Jeake, p. 106.
Holloway's
Rye, p. 281.

The boundaries of Winchelsea and Rye are then minutely described, while the manors granted in exchange are to be held by the Abbot and monks of Fécamp for ever :—

"As freely and quietly as heretofore they have held Winchelsea and Rye, by virtue of a deed of gift made to them by Saint Edward of blessed memory, and of concessions and confirmations, after the accustomed manner, of William and Henry, kings of England, of the land called Stanings, with all their appendages, among which are reckoned Winchelsea and Rye, the liberties of which are set forth in the charter of King William, in manner following, viz :—'That the aforesaid Abbot and monks of Fécamp should hold the land of Stanings, with all its appendages altogether, and with all the laws, liberties, free customs, quittances, pleas, complaints, and suits, which are or may be, without any interruption or diminution whatsoever of the secular or judicial power, regarding matters appertaining to the lordship of Fécamp; and that the said land, with all its appurtenances, possessions, and possessors, be free and quit of all custom of land or service, and from all power of, or subjection to, all barons, princes, and others; and that the aforesaid Abbot and monks of Fécamp, and their officers, should have all royal liberty and custom, and all their forms of justice, in all things and matters of business which may or can arise in the said land. Nor shall any one henceforth be suffered to enter there without their permission, for that this is a perfect royal immunity, and is quit of ALL service; and if any one whosoever shall presume to act contrary to this grant, he shall be compelled to pay one hundred pounds of gold to the lordship of Fécamp.'"

Holloway
p. 282.

W. I. charter
to Winchelsea
and Rye.

This document is of considerable importance, as it proves, first—That the ports of Winchelsea and Rye were, by the charter granted by the Conqueror to the Abbot of

* There are thirty-two members or "limbs" of the Cinque Ports.

Jeake, p. 120.

CHAP. XXIII. Fécamp, "quit of *all* service;" and thus differed from Dover, Sandwich, and Romney. Secondly—That they were then (81 Henry III.) called "members of the Cinque Ports." Lord Coke says they were "joined to the ports *after* the Conqueror and *before* King John." Jeake confirms this, and says:—"In a record of the 1st of King John, they (Winchelsea and Rye) are mentioned to be in aid of Hastings to do the service of their navy." And thirdly—That notwithstanding this junction, they were not under the full and absolute control of the Sovereign until the middle of the thirteenth century.

Jeake, p. 103.

p. 121.

Mr. Jeake's work, written more than 200 years ago, is such an able compilation, that it would be presumption in me to question any of his conclusions. Even he, however, tells us, without resorting to vague conjectures, that the precise time when these ports and towns were enfranchised, or their members annexed to them, are "things too dark and difficult to be discovered." Almost all the subsequent writers have however taken for granted, what he scarcely ventures to surmise, and have come to the conclusion that the Cinque Ports, with their ancient towns and members, as we find them in the reign of Charles II., were organized during the eleventh century. Whereas, I can but think that though the work was commenced, it was not perfected until the thirteenth century; and the fact that the ports of Winchelsea and Rye remained part of the possessions of the Abbot of Fécamp from the time of the Confessor until the reign of Henry III., serves to confirm this opinion.

The MSS. of Lambarde and Darell,* to be found in the

* Wm. Darell, was rector of Monkton, which living he resigned in 1579; a Wm. Darell (printed Darrell in Hasted) was a prebend of Canterbury in 1554, and died in 1580; probably the same person. Hasted says he wrote a treatise, *De Castellis Cantie*, the MS. of which was in the library of the Heralds' Office, London. A translation, possibly of this work, was published in 1797, under the title of "The History of Dover Castle, by the Rev. Wm. Darell, chaplain to Queen Elizabeth." I do not think much dependence can be placed on the work and no authorities are given.

British Museum ; and of Wharton,* in Lambeth Palace ; CHAP. XXIII.
and the works of our local historians, including the more recent ones of Lyon and Knocker, and W. D. Cooper on Winchelsea, do not throw much, if any, additional light on the subject. Most of them differ as to the earlier appointments of Constables and Wardens, and as to whether these two offices were originally united.

The fleet provided from time to time by these ports formed, no doubt, the original and ancient navy of the kingdom, and was called "The King's Navy"; and the conclusion I have arrived at (perhaps erroneously) is, that it was the design and part of the policy of the Conqueror, so to organize these ports that by more united action they might best defend this part of the coast of his kingdom, but that it was left to his successors to accomplish this union slowly and by degrees, and it became more fully developed in the reigns of Henry III. and Edward I, when they were totally exempt from all tolls and customary payments ; their burgesses, distinguished as "barons" (which is still their legal appellation), and acquired great privileges, including that of bearing the canopy at the coronation, and the right to dine at the uppermost table on the right of the Sovereign.

This view, I am aware, is not the one usually received ; but I shall be very glad to be set right, if I am wrong in my conclusions.†

It is impossible, says Mr. Pearson, to speak with Castles
certainty of any *private* castles in England before the reign of the Confessor. Kemble has expressed his belief that some have existed in very early times, while castles, walled with stone and designed for residence as well as defence, are said by Grose to be for the most part of no higher antiquity than the conquest. The castles of

* The Rev. Henry Wharton was a celebrated antiquary ; he was rector of Chatham, vicar of Minster, Thanet, and chaplain to Archbishop Sandroft in 1689.

† The late Mr. William Stringer was solicitor to the Cinque Ports for thirty-five years. His son, Mr. Henry Stringer, succeeded him in 1865, and I am allowed to state that he concurs in the opinion I have formed.

CHAP. XXIII. Canterbury and Rochester are only incidentally referred to in the Survey, and the castles of Dover,* Nottingham, and Durham, with the white tower in the Tower of London, are also noticed. I have already referred to the omission of Tunbridge Castle.

Ante, p. 222.
Parks.

Larking,
p. 118.

p. 92.

By the laws of King Canute and of the Confessor the owners of the soil had the liberty of sporting over their own possessions, and Sir Henry Ellis thinks it probable that these laws gave rise to the parks which we find entered in the different Surveys, some of which were of considerable extent. Thus in the Bishop of Baieux's Manor of Leeds "the Abbot of St. Augustine has half a suling which is worth 10s., in exchange for the Bishop of Baieux's park." Mr. Wykeham Martin in his interesting and beautifully illustrated History of Leeds Castle, says, that "for the enlargement of this park the Abbot gave some land and received half a suling in exchange," and he infers that Odo had a residence there. The Bishop also held by his tenant (at Chart Sutton), "a park of beasts of the forest," "*silvaticarium bestiarum*," which the reader must admit are very elegant and poetic words. Is it an unreasonable conjecture that the park at Chart Sutton (partly situate within the Weald) was at this time united or connected with the Park at Leeds, as both belonged to Odo?† We have still a King's Wood in this locality, containing about 2,000 acres.

Odo is also returned as possessing parks at Littlebourne and Wickham. As these places adjoin, it may be concluded that they also formed but one park, though entered as separate manors.

Jenke, p. 47.

* Sir Henry Ellis, in his introduction to Domesday, says that these three castles were known to have been built by order of the Conqueror. This must be an error as regards Dover, though William might have enlarged and strengthened it. Tradition says that in the reign of the Confessor, when Harold was in Normandy, he made oath to the Conqueror to put him in possession of the crown of England after Edward's death, and that it was part of the oath to deliver to him Dover Castle and the well in it.

† There were anciently two parks; the one round the castle was, as late as 1442, about sixty acres in extent.—Martin's *Leeds Castle*, p. 88.

Richard de Tonebridge held only in chief Yalding and East Barming, but his occupation was very extensive in a district principally consisting of woods and denes; one may therefore imagine the amazing extent of his chase. CHAP. XXIII.

In the Domesday of Kent we have no reference to hawking. It is, however, illustrated by numerous entries in other shires, and we find no less a sum than £10 paid in lieu of a hawk. Three aeries of hawks in a wood are recorded in the Domesday of Surrey as belonging to Battle Abbey. An aery, says Dr. Nash, included not only the nest or brood, but the place destined for the breeding or training of hawks. The liberty of keeping these aeries, he adds, was in early times granted as a privilege to some great persons. Thus, at a later period, Hurst, anciently called Falconer's Hurst, adjoining Aldington, on the borders of the Weald and Romney Marsh, was held in serjeantry by the service of keeping one hawk. Godfrey le Huton, afterwards surnamed Le Falconer, was possessed of this manor in the reign of Henry III.; it now belongs to G. W. Plumptre Carter, Esq., of Kennington Hall.* Hawking.

Hasted,
Vol. III.,
p. 459.

The mineral productions of the country are but rarely noticed. Iron and iron works are not mentioned in the Kentish portion of the Survey, any more than tin is referred to in Cornwall; but in the Survey of Gloucester, we learn that that city paid to the Confessor thirty-six dickers of iron, and one hundred rods of iron drawn out for making the King's ships. Minerals.

As to the various denominations of land referred to in the Survey, it may be observed that "*terra*" put simply, signifies arable land as distinct from wood, meadow, and common of pasture, while "*silva*" and "*nemus*" are the usual terms for wood, the woodlands being carefully entered. The Land.

Broteham (Wrotham) situate partly in the Weald and Pannage. Woodland.

* The lord of this and other neighbouring manors, with a bailiff and jurats, have the management of the drainage of Romney Marsh.

CHAP. XXIII. held by the Archbishop, possessed "*silva quando fructificat quingentorum porcorum*," which Mr. Larking translates "Wood, when it is in bearing, of 500 hogs," while Hasted translates it, "Wood when fruitful (in acorns) sufficient for the pannage of 500 hogs," and Henshall translates it, "The wood in a fruitful season feeds 500 hogs." I will give one other reference. Marourde (Mereworth), also partly in the Weald, and held by Haimo, the sheriff, is thus returned: "*Et tantum silvæ unde exeunt LX. porci de pasnagio*," which Mr. Larking translates "and as much wood as produced a rent of sixty hogs from pannage," while Hasted translates it, "as is sufficient for the pannage," and Henshall, "yielding pannage." In the first case we have the running and feeding of the hogs, and in the second the price or rate of their running. The swineherds who rented these privileges were sometimes called Porcarii. In the Survey of Sussex, under the territory of the Archbishop, it is stated that the custom of that shire was one hog from every villan that had seven, though this custom was not always adhered to; while in Surrey, the Survey states that the custom was in some cases to render one hog for every ten. In that county a distinction is made between pannage and herbage. But Middlesex was the great district for pannage. In one manor of the Archbishop's, Herges (Harrow on the Hill), in addition to pasture for the cattle of the village, there was pannage for 2,000 hogs. Edmonton and Enfield held by Geoffrey de Mandeville each possessed pannage for 2,000 hogs.

Sheep. The records of olden times are very unsatisfactory with regard to the existence of sheep in Britain; no early historian makes the slightest mention of them. The fleece was held in high estimation,* while the flesh has only of comparatively late years been regarded as it deserves. Thus, although almost every one of the possessions in the shire appear to have been well stocked with hogs, and

* In the Manor of Cirencester the Queen is returned as entitled to the wool of the sheep.

although from the time of the Romans the drainage and embankment of Romney Marsh were rapidly progressing, and such places as Pluckley (which derived its name from the pasture made by grubbing up the wood) were gradually springing up, the only mention of sheep is to be found under the head of Cliff, where there is a return of "pasture for one hundred sheep," Higham pasture for 200, Farningham for 100, and Wickham for 800 sheep and thirty-one animals.

CHAP. XXIII.

Larking,
p. 123.

The manor of Milton contains the only reference to the manufacture of cheese, where we find two entries, one of twenty-eight weys of cheese, and the other of twenty-eight weys of cheese and a half, both pertaining to Newetone (Newton near Sittingbourne).

Cheese.

Larking,
p. 117.

The value of Yalding (Hallinges), part of the territory of Richard de Tonebrige, is stated to be £80 in the time of King Edward, but then £20, in Mr. Larking's extension, "*eo quod terra uastata est a pecunia*," which he translates "because the arable land has been laid waste by cattle." Henshall renders it, "because the land is destitute of cattle,"* while Hasted translates it, "on account of the lands lying waste to that amount." I will leave it to the reader to decide which of the three is the most correct.

Hasted,
Vol. II.,
p. 302.

Under Minster, in the Isle of Thanet, "Three Knights hold as much of the land of the Villans as is worth £9, *when there is peace in the land*." Under Chislet, "Four French Knights hold what is worth £12 a year;" and in the Ville of Charlton, near Dover, "a certain Frenchman had one Team there."

Larking,
p. 137.

Ib., p. 138.

Ib., 94.

Domesday throws very little light on the measurement of land, and among all the difficulties which occur in the interpretation of the Survey, none are greater than those connected with this subject.

Measurement.

Larking,
p. 160.

Attention has been called to the hide and the suling (peculiar to Kent), written suling by Mr. Larking, sowing

Ante, p. 89.

* Henshall, in his "South Britain," says "Yalding had been devastated, at least deprived of its cattle, and its value considerably reduced—an extraordinary circumstance in this county."

CHAP. XXIII. by Mr. Henshall, and solin by Sir Henry Ellis; and I have stated that both these terms are supposed to represent the same quantity.* Selden, however, remarks, "the just value of a hide that might fit the whole kingdom never appears from Domesday, and was ever of an uncertain quantity." For instance, the Kentish suling (hide) is supposed to have contained 160 acres, while the Sussex hide contained only sixty-four acres, according to Rudborne, who lived in the fifteenth century. "Thus the land hidid or enclosed in Kent, would be to the land hidid or enclosed in Sussex as 172,000 to 207,000 acres, a proportion in which there is nothing unreasonable."

Pearson's Historical Maps,
2nd edition,
p. 30.

Then we meet with the carucata, a term of Norman introduction, which Sir Henry Ellis says, "is also to be interpreted the plough-land, and represented as much arable as could be managed with one plough and the beasts belonging thereto in a year, having meadow pasture and houses for the householders and cattle belonging to it;" while Fleta says, "the measure of a carucata was also different according to time and place."

p. 89.

We have next the jugum or yoke of land, which, like the suling, was peculiar to Kent, and varied probably with the locality and soil.

The acra or acre is also used in the Kentish Survey, and, according to Sir Henry Ellis, the Normans had an acre confessedly differing from the Saxons. Among the possessions of St. Martin, Dover, the Survey states that "In the common land there are four hundred acres and a half, which make two sulings and a half." By which it appears that near Dover the suling in round numbers was, as we have assumed, equal to 160 acres; while, according to the entry under the head of Eastwell, a jugum or yoke in Kent represented forty acres, being the fourth part of the suling or carucata.

Larking,
p. 161.

Ib., p. 141.

We have, then, the hide, the suling, and the carucata,

Ante, p. 214.

* In the Register of Battle Abbey to the gift of the Manor of Wye, by the Conqueror, was added, "*cum omnibus appendiciis suis septem sulingarum, id est hidarum.*"

all supposed to represent the same measure of land, and the jugum a fourth part of it; but the actual quantity differing in different localities according to the soil and depth of ploughing, as well as to the custom of the district as to the routine of fallows, &c. But, labour as we may, we cannot hope to obtain more than an approximation to the truth.

CHAP. XXIII.

Larking,
p. 160.

The various computations of money as given in early Anglo-Saxon history do not correspond with those recorded in Domesday. We find in the latter the libra or pound, the mark, the ora, the shilling, the penny, the half-penny, the farthing, and the minuta. The pound was of three kinds; the pound of ready money, which was made up not of shillings but of oræ, at the rate of 20d. to the ora. Then there was the pound by weight, and lastly there was the pound defective in fineness as well as weight, when the receivers at the Exchequer either melted a sample of the money paid, or received a further sum in lieu thereof. In the first entry in the Domesday of Sussex under Bosham, the manor is returned as producing £50 burned money, or pure gold, and sterling weight (*ad arsuram et pensum*), "which are equal to, or worth £65." Brady says that when Domesday was compiled there was always a fire ready in the Exchequer, and if they liked not the alloy of the money, they melted it and then weighed it.

Money.

Ante, p. 169.

There were gold and silver marks and half marks, but these were computations of money only. Such also was the ora and the shilling of the Domesday Survey. Lapenberg says the Anglo-Saxon shilling contained four pennies only, while Ellis, on the authority of Wilkins, says it consisted of five pence, but the shilling of Domesday Book is always twelve pence.

After all, the penny was the only coin really known in England till long after the Survey, in which it is called *Denarius*. The half-penny (obolus) and the farthing (quadrans, or fourth part) explain themselves. The minuta is supposed to have been the same as the styca or small

CHAP. XXIII. Northumbrian copper coin of the value of half-a-farthing referred to in Chapter XVI.

Ordeal.

In the Domesday of Kent there is no reference to the ordeal. It is to be met with in Somersetshire and other shires, where mention of the readiness of claimants to prove their title by ordeal or by battle often occurs. The trial by battle was apparently of Norman introduction. The Custumal of Kent, however, provided that if the tenements were holden in Gavelkind, "no battle shall be joined;" in other words, there shall be no trial by battle.*

Slaves.

I have already referred to the different ranks of society, but a popular fallacy that the men of Kent were *all free*, renders it necessary that I should again speak of the "*servi*" and "*villani*" with reference to Domesday.

Ante, p. 159.

Larking, p. 94.

The term *servi* (slaves, or serfs) first occurs in the Domesday of Kent in the description of the lands of the Canons of Saint Martin, of Dover, under the head of St. Margaret. "Sired has one suling, &c., *cum iiii. 'servis,'*" which Mr. Larking in this and on every subsequent occasion translates "*slaves*;" Mr. Henshall here translates it "attendants;" but in describing the lands of the Bishop of Rochester, in the hundred of Bromley, "*Ibi Ecclesia et i servus*," he renders it, "Here is a church, one minister," &c., and attaches to the word the following note:—

p. 35.

"It is with regret that I differ with a learned antiquarian friend, relative to the meaning of this word. He considers it as designating an order of men inferior to the *Bordarii* (because they are frequently mentioned after them) and the basest of villains or bondamen. The foundation of my difference of opinion rests on this base. In the Saxon language, *Thielcerde*, thief of the Lord, or servants of the Lord, was the general term for the clergy. We allow that they are mentioned almost constantly after *villani* and *bordarii* in order, for the ploughs and the husbandmen, or 'house-bound-men,' occupied the first care of the Reporters and Commissioners. But they are ranked among articles of high value and consequence, a mill, a fishery, salt-pans, and frequently connected with a church, after which they are commonly enumerated, so that doubtless when treating of the territories of the dignitaries of the Church, we think

The trial by battle is omitted in some of the ancient copies of the "Kentish Custumal."

ourselves fully justified by rendering them ministers; when treating of feudal chieftains, they might be his followers that accompanied him in war. Indeed, *servi* or *servientes ad legem*, is an honourable title. The ancient term *servant* of a lover to his mistress, or our modern *most obedient humble servant*, degrades not the person using it." CHAP. XXIII.

Afterwards, in setting out the lands held by Hugh de Port of the Bishop of Baieux, in Axtane hundred, we read "*inter servos et ancillas*;" in Mr. Larking's translation, "a certain knight there having eight slaves, male and female," which Henshall translates, "Here a certain knight has eight male and female domestics." I must not dwell at great length on this controverted subject; but I do not like to pass it over. The reader will understand that Mr. Larking throughout translates "*servus*," "slave;" while Mr. Henshall always renders it "minister," wherever it immediately follows a church—a very striking and very marked difference certainly. Mr. Larking's translation, though somewhat grating to English ears, is no doubt strictly correct. Why the *servi* were so generally placed in the Domesday of Kent, immediately after the churches, it may be difficult to conjecture, though the Anglo-Saxon clergy certainly took them under their protection. It is, however, but fair to state that Mr. Warner, in his Domesday of Hampshire, published in 1789, translates "*servus*" "servant;" while in Bawdwen's Domesday of Middlesex, Hertford, Buckingham, Oxford, and Gloucester, published in 1812, "*servi*" is translated bondmen. On the other hand, Manning and Bray's translation of the Surrey Domesday, and Dr. Brady's translation, agree with Mr. Larking's. Brady says:—

"The *servi* were servants or rather slaves (for *servus*, in classic authors, never signifies otherwise), and were of two sorts, better or worse, or predial and personal: the *predial*, although they were of a servile origin and condition, yet they possessed their lands and goods at the will of the lords, performing such rustic and servile works as were commanded them, in villas or villages, from whence they were called *villani*. The *personal servi*, or slaves had nothing of their own, but what they gained was their lord's, who fed and kept them; these, and their children, were slaves. The former, probably by purchasing an estate in their lands, having by their industry grown rich, many of them became freeholders, or at least copyholders of inheritances. In process of time, the word

CHAP. XXIII. *servus* was quite disused, and the word *villanus* used to express both these sorts of people."

Ante, p. 157. We will pass on from the *servi* to the *villani*, of whom we have also spoken in Chap. XVI.

p. 73. Lambarde boldly asserts, in the chap. on "The Estate of Kent," that "It is agreed by all men that there never were any bondmen (or villaines as the law calleth them) in Kent." The truth of this assertion is questioned by Somner, in his treatise on Gavelkind. Robinson, however, in his chapter "of Customs common to all Kentish men," re-asserts it, and says in a marginal reference, "Kentish men exempt from villenage," and refers to Lambarde, and then proceeds: "The Kentish Custumal claims the bodies of all Kentish men be free, as well as the other free bodies of England; which was formerly, while many of the subjects of this kingdom remained under a state of hereditary bondage, a most glorious and valuable birth-right," and he adds, "the claim appears to be well founded by 30 Edw. I., Fitzh. Villenage, 46." The late Mr. Sandys speaks of the freedom of the men of Kent in more glowing language than any of the writers who preceded him. He says:—

Con. Kan.,
p. 89.

"Whilst the great body of the English people were reduced to a state of slavery by our Norman conquerors, the Kentish men enjoyed the full blessings of liberty. Every Kentish man was free. Liberty was the noble inheritance which he had derived from his Saxon ancestors, and of which not even Norman tyranny was able to deprive him. The air of Kent is too pure for a slave to breathe."

Mr. Larking, after referring to all the preceding writers, except Mr. Sandys, proceeds:

Notes, p. 164.

"I could wish for no better evidence of the indefinite use of the word *Villein* and the consequent confusion that has arisen in the description by various writers of the *Villeins'* position, than in the passages here quoted."

They certainly afford curious proofs what deep roots a groundless tradition may take. I will only again refer to Middleton (Milton). In this Manor there were no less than 309 *villani*, translated *villans* by Mr. Larking, and *villeins* and *villains* by other writers; seventy-four *bordarii*, translated *bordars* by Mr. Larking, and *bondmen* by Henshall; and ten *servi* or slaves. In truth the number

of slaves in Kent appears to have been *above* the average of the whole kingdom. The population of Kent at this time as given in Ellis's Introduction to Domesday is as follows:—

CHAP. XXIII.

<i>Sir Henry Ellis's calculation.</i>		<i>The Rev. Mr. Henshall's calculation.</i>	
Tenants in chief including the	13	Tenants in Chief	11
King and the Archbishops,		Subordinate Tenants	100
Monks and Men		Knights	21
Undertenants	212	Esquires	94
Burgesses	661	Thanes	13
Villans (including forty-four	6641	Normans	2
Soomen)		Bailiffs	13
Bordars	3118	Priests	8
Cottars	364	Freeholders	44
Slaves	1148	Burgesses	1991
Various	48	Ministers or Retainers	1127
		Villains	6837
		Borderers	3512
	12205		13773

It will be seen that in the case of the villans and bordars there is no material difference, but the number of burgesses given by Henshall is 1991, while Ellis gives only 661. Henshall does not return a single slave by that name, but classes (improperly, I cannot but think) 1127 under the head of "ministers or retainers" instead of servi or slaves. If Sir Henry Ellis's calculation is to be relied on, the slaves in Kent were about eleven per cent., while the proportion for the whole kingdom was less than nine per cent. The difference of the number of serviles in the several provinces is remarkable.* They appear most numerous in the territories where the British population maintained itself the longest, especially in Gloucestershire, where the proportion existed of one slave to every third freeman. In all the Saxon states (including Kent) it always constitutes about one tenth of the population as registered in Domesday. That slavery, therefore, existed in Kent, and that it was perpetuated, though perhaps in

Lappenberg,
Vol. II., p. 321.

* Of the two millions of human beings who inhabited England in the reign of King John a very large number, probably nearly a half, were in a state of slavery. Creasy, p. 93.

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Somner's
Gavelkind,
p. 75.

Hist. of Eng.,
Vol. I., p. 76.

a mild and humane form in comparison with other countries, cannot be denied. If we do not admit this, we can come to no other conclusion than that the Survey was erroneously compiled, or that (what is not very probable) shortly afterwards the bulk of the Kentish men were emancipated. We have proof that it could not have been general, for as late as the fifteenth century we find Sir William Septvans, of Milton, near Canterbury, by his will (A.D. 1407) emancipating, for good conduct and service, certain slaves born on his land. It is no degradation to acknowledge the slavery of our forefathers: I have read somewhere "that as gold must be tried in the fire, so liberty can only grow to a giant's strength by passing through a giant's struggle."

Let us, however, bear in mind that though the grand division of the inhabitants was at this time into freemen and slaves, still there were many bodies of men named in Saxon Laws and Domesday Book, whom it is somewhat difficult to arrange in either class; such as the socmen, villans, bordars, cottars, &c.; and we may, perhaps, says Mackintosh, be excused for a modest compromise, which under the name of *semi-servile* would propose a third class of inhabitants, formed of subdivisions at different distances between the two extremes, but neither absolutely equal to freemen, nor reduced to the unhappy level of slaves. Such a class are to be met with in the Domesday of Gloucester, under the name of 'coliberts,' men not possessing an absolute freedom.

Without arrogance, we may say that Kent, with the fostering care of its metropolitan and clergy, held at this time a laudable position in Christendom, and though a large proportion of the slaves in the county were to be found on the lands of her ecclesiastics, they to their honour did not treat them so much as chattels and animals *

Lord Macaulay, Vol. I.,
p. 23.

* "The benevolent spirit of the Christian morality is undoubtedly adverse to distinctions of caste. But to the Church of Rome such distinctions are peculiarly odious, for they are incompatible with other distinctions, which are essential to her system."

attached to the soil as the lay lords did. "'Tis good to live under the crozier," was a common saying in those days. All this, no doubt, materially assisted the servi in acquiring their freedom earlier in Kent than elsewhere.

Why, then, it will be asked, do we so often meet with this boasted tradition—"That the bodies of all Kentish men were free," and "that there were no villans in Kent,"—if it is groundless? I cannot imagine any other reason than that the claim so made originated with the *free tenure of the land in Kent*, and not the emancipation of the person from hereditary bondage. As, then, slavery began to die out in England soon after the conquest, and the equal partition of property in Kent proved adverse to the maintenance of what little villenage remained, various commutations, the particulars of which have not been preserved, must have been gradually effected between the lords and their tenants, and thus we find firmly established and deeply rooted a substitution of the freedom of the person, for the freedom of possession, which gratified human pride. I can give no better reason; for copyhold tenure was the remains of villenage, not entirely Saxon, Norman, or Feudal, but advanced by the Normans on Saxon bondage, which it gradually superseded. I do not believe that we have left in the whole county one *entire* copyhold manor where land is held at the will of the lord by copy of court roll, and subject to an arbitrary fine on death or alienation. In East Kent only *small portions* of the manors of Wye, Ashford, Folkestone, Elham, and possibly one or two others, are copyhold; it is the same in West Kent. So that I may state, without fear of contradiction, there is no county in England where such a perfect freedom of tenure exists. Surely this is something to be proud of!* We will close these remarks on Kentish slavery with a passage

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* The following fact within my own knowledge will best illustrate this. A gentleman in this county recently succeeded to an estate in Essex containing 1,000 acres. In Kent £20 would have paid the reliefs and all the manorial fees, while it cost him in Essex £1,000, about 300 acres being copyhold.

CHAP. XXIII. from Lord Macaulay, on the gradual extinction of slavery in England :—

Hist. of Eng.,
Vol. I., p. 22.

"Moral causes noiselessly effaced first the distinction between Norman and Saxon, and then the distinction between master and slave. None can venture to fix the precise moment at which either distinction ceased. Some faint traces of the old Norman feeling might perhaps have been found late in the fourteenth century. Some faint traces of the institution of villenage were detected by the curious so late as the days of the Stuarts ; nor has that institution ever, to this hour, been abolished by statute."

Vanguard.

While on the boasted pre-eminence of the men of Kent in bygone days, I will refer to another tradition equally groundless, as I think, which claimed for them the van of an army of attack.

Thus Kilburne, who published his Survey in 1659, commences by enumerating the dignity and importance of the county under eight different heads. Under the fourth, he says :—

p. 6.

"For the ancient valour of the people of this county, they claim, and are allowed, the front in battles. And they only of all England obtained and retain the name of UNCONQUERED. For (as if all the ancient English valour were remaining in them) *they* only resisted King William the Conqueror (when all other counties submitted) and (capitulating with him) reserved to themselves and their posterity their ancient customs and liberties."

Vol. I., p. lvi.
fol. ed.

Ante, p. 211.

Hasted also, when referring to the battle of Hastings, says, the Kentishmen were in the front of the English army, "a privilege they had long enjoyed." Lappenberg adopts nearly the same words, and gives as a reason "that, according to their ancient privilege, they might strike the first blow." This is probably taken from Fitz Stephen, who, writing in the latter part of the twelfth century says, "Kent claims for itself the first blow in battles against alien enemies." This privilege, however, instead of being confined to the men of Kent, appears to have been wisely extended in most cases to the inhabitants best acquainted with the seat of war. Kelham refers to it as if he so understood it :—"The Kentish men, accordingly, at the battle of Hastings were in front of the English army as their ancient privilege."

Henshall,
p. 102.

p. 158.

Domesday,
179, a 9.

If the reader consults the Domesday of Herefordshire

he will find "*Cum exercitus in hostem pergit, ipsi (homines de Arcenefeld) per consuetudinem faciunt avantuarde, et in reversione redreuarde.*" I believe no such custom *exclusively* in favour of Kent ever really existed, though, in expressing this opinion, I am no doubt drawing down some censure on my head, from those who have fondly believed it all their lives. CHAP. XXIII.

Before closing our remarks on the Survey of Kent, we must notice its adoption as recorded in the first page, and thus translated by Mr. Larking: "The men of four laths—that is Boruuar lath, and Estre lath, and Limmuart lath, and Wiuuart lath—agree that these under-written are the King's laws;"* while Mr. Henshall renders the passage, "The annexed laws were unanimously sanctioned by the testimony of the four laths—that is, the laths of the borough of St. Augustine, Eastry, Liming, and Wye." Previous to making any observation on it, I will insert Mr. Larking's interesting note (27):—

"It is important to observe that the grammatical construction of these words will hardly admit of the supposition that the men of the four laths are recorded as assenting to, i.e., giving in their adhesion or submission to new laws imposed upon them by the Conqueror. On no principle of grammar can the passage be so rendered. On the contrary, the form of expression here used, nay, the entire contents of this page of the Survey, seem rather to indicate that it is an actual transcript from an ancient book of record. p. 157.

"Indeed, as I have observed in the Introduction,† it is palpable that the Commissioners, in almost every instance, had the court books of the manors, or hundreds, or tithings, before them, and hence made their transcripts, correcting or enlarging them, according to the oral evidence produced before them. The forms of the entries throughout the Survey, and the varied style which they assume according to the district at the time under review, forbid any doubt upon the subject; and if we examine a little more closely the page before us, we shall find incontestable evidence, if such were needed, that it has been copied from a record of the time of the Confessor.

"The list of the alodiaries exempted from relief to the king contains the

* William, after an inquiry which he directed to be made by twelve Saxons in each shire, had ratified the laws of the country prior to the formation of Domesday, when he solemnly ordered that the laws of Edward the Confessor, with certain alterations and additions, should be observed. Reeves' Eng. Law, Vol. I., p. 30.

† No Introduction was ever completed by Mr. Larking.

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names of the powerful Saxon nobles, or thanes, who subsequently appear in the Survey as formerly lords of manors holding of King Edward, but not one of them now possessing any estate. Their lands had been seized by the Conqueror, or else had escheated to him. Their names and grandeur are things of the past, yet here they are entered as of the present; and we cannot doubt that we have before us the actual enrolment of the rights of the Crown, and of their own privileges and customs, as it was made during their lives, and as it was still to remain.

"Here, then, we have indisputable evidence that at least the men of these four laths were left in the enjoyment of their ancient laws and customs.
* * *

"The four laths specified are those which constitute the eastern division of the county, viz. :—

"'Borwar Lest,' and 'Estre Lest,' now united, and forming the modern lath of St. Augustine.

"'Liwart Lest,' now the lath of Shipway, 'Wiwart Lest,' now the lath of Scray.

"How is it that the two laths of West Kent, viz., 'Aylesford' and 'Sutton at Hone,' do not here come upon the scene? It is true that in the next page of the Survey, forming, as it were, the closing paragraph to the chapter before us, we have the list of all the Saxon nobles constituting the strength of these two laths, all of them in the time of the Confessor powerful lords of manors, and specially recorded as holding their own courts, endowed with the franchise of *sac* and *soc*; but not one word of their acknowledgment of the king's privileges, as in the case of the other four laths.

"There seems in this respect to have been no bond of union between them, any more than if they had belonged to two different counties.
* * *

"The two divisions of the county seem almost to have been as distinct as they are at present, and it is difficult to account for the omission of the two laths of West Kent in this passage; indeed they seem to be completely ignored. It may be that their books of record were lost or not forthcoming. Whatever the cause, it is impossible to pass it by without notice.

"The fate of the Lords of this western division differed not from that of the alodiaries in the eastern division. We find the names of all of them as having held manors of King Edward, and all of them now dispossessed,—like their compeers of East Kent, things of the past.

"In both cases, either these great lords had refused submission to the conqueror, and he had thereupon seized their estates; or they were among the host of nobles who fell at Hastings, and their lands, in consequence, had escheated to the Crown.

"I confess that on my first perusal of this paragraph I was unable to resist the temptation of deeming it, in some degree, confirmatory of the tradition in which Men of Kent delight, viz., that their ancestors, with *Stigand* at their head, met the conqueror at Swanscomb, and refused submission to him unless they were guaranteed their ancient laws and customs, tendering him the choice between the oak-boughs which they

bore in one hand, as an emblem of peace, or the sword which they carried in the other. CHAP. XXIII.

"But unfortunately, a very little reflection shows that the evidence of this chapter has a tendency exactly the reverse to a confirmation of the story. It is mentioned only by one chronicler, Sprot, who wrote as late as the time of Edward I.; while not the slightest allusion to it is made by any of the chroniclers who lived nearest to the time of its occurrence,—nay, some of them actually contemporaries.

"We have just seen that all the lords of manors enumerated as the great chiefs of the western division (those who themselves, or their heirs, must have been with Stigand at Swanscomb, had the tale been true), so far from being left to the enjoyment of their ancient laws and customs, were actually disinherited,—their estates seized, and conferred by the Conqueror on his followers. If there be any shade of evidence in this chapter that the men of Kent obtained a grant of the enjoyment of their ancient customs, it is in favour of this privilege having been given to the men of East Kent, 'the men of the four laths,' rather than to those of West Kent; for we have it here actually recorded of this district, that the king's rights, and those of the alodiaries and churches, remained as they were in the time of the Confessor."

Having drawn so largely on Mr. Larking, I will endeavour, without subjecting myself I hope to a charge of presumption, to give some reasons for the adoption of the Kentish laws and customs by the men of only four of the laths; but I will first remark that he altogether ignores one of the laths, Milton (Middleton), which though divided into two parts, and under the Saxon government extending only over the hundred of Milton, still was one of the most populous and lucrative districts in the shire; it included the Isle of Sheppy and portions of the Weald, and was held from the time of King Alfred as part of the Royal demesnes. It was a practice to grant this manor to the Queens of England as part of their dower. Queen Eddid, or Editha, the wife of Edward the Confessor, held it. However, as part of the territories of the king, the concurrence of the undertenants and dependants of this lath was probably deemed unnecessary. Secondly, the number (four) constituted a majority of the laths of the whole shire. Thirdly, I have in Chapter XIII. expressed an opinion that the division between East and West Kent was originally purely an ecclesiastical one, and I have not discovered any reason to alter it. It would therefore appear

CHAP. XXIII. that in matters affecting the whole county, the western division of the shire, containing only the small See of Rochester, became somewhat subordinate to the Eastern Division with its Metropolitan See until the Conquest.

Ante, p. 151. The trial at *Canterbury* between Bishop Godwine and Leofwine, concerning the land at Snodland, situate in West Kent and part of the diocese of Rochester, in 1011, supports this view ; for, as I have already stated, the civil and ecclesiastical jurisdiction were up to this time united, and the Bishop and Ealdorman sat together to administer justice. Now, however, by the influence of Rome and its clergy, a separation of the tribunals had taken place ; a proceeding certainly repugnant to the Anglo-Saxon constitution,* and it is not unreasonable to suppose that the famous assembly at Penenden Heath in 1076, over which Geoffery, Bishop of Coutances, presided on behalf of the Sovereign, and was attended by Lanfranc, the Archbishop ; Odo, the Earl of Kent ; Arnost,† Bishop of Rochester ; Ægelric, Bishop of Chichester,‡ and other men of renown, which occupied three days, was the last one tried on that spot involving the rights of the Church, and from this time the dignity of the proceedings at Penenden Heath began to diminish. It has been said that to this separation of the clergy from the laity as a class, the world owes so many ages of misery and terror.

Larking,
p. 206.

The only other remark I will make on the Kentish Survey is, that after defining the laws, customs, and forfeitures, which the men of the four laths had acknowledged, it proceeds : “ If they shall have premonition to meet at a shireMOTE they shall go as far as Pennedenn, not further.”

Larking, p. 94. Mr. Larking thus comments on this entry : “ Penenden Heath, then, was long before the Conquest, the appointed

Ib., p. 160.

* The ecclesiastical changes now going on in Ireland evince a strong desire on the part of the New Church to return to the good practices of our Anglo-Saxon ancestors, by treating the laity as part of the Church.

† He was brought from Normandy by Lanfranc, and did not hold the see of Rochester a year.

‡ Hasted styles him Bishop of Chester, but this is a mistake.

place for holding the shiremot and county meetings." CHAP. XXIII.
The object of this provision, however, if I read it cor- Ante,
rectly, was only to protect the men of the four laths who pp. 108, 187.
were resident in East Kent from being summoned to
attend any county meeting beyond Penenden ; for the
laths of Sutton and Aylesford are not mentioned here,
and only briefly referred to shortly afterwards.

As few persons ever take up the Domesday Survey I
will mention some of the distinctions which occur in *other*
counties.

In Bucks, we find in a reference to pannage an excep-
tion, "if it lies in the King's park." There is also an
entry of land held on condition of "providing two men
in coats of mail to guard the Castle of Windsor." Also a
grant "for teaching the sheriff's daughter to work em-
broidery."

In Gloucestershire, frequent references may be met with,
of land in the forest or its vicinity, held tax free for keep-
ing it.

In Oxford and other shires the woods and forests appear
to be measured by miles ; thus the demesne forests of the
king (including Woodstock) are returned as nine miles in
length and the same in breadth. Reservations are to be
met with of wood "sufficient for the manor," "wood for
the houses," and "thorns and wood for hedges." The
King's Master of the Horse had large possessions in Herts ;
and his Jester, Cook, and Crossbowman, were returned as
tenants in Gloucestershire ; and in that county will be
found numerous entries referring to renders of "loaves
for dogs" in the time of the Confessor ; in three different
cases the number of loaves is 3,000.

Land in Middlesex, belonging to the See of London,
was charged with "the Sabbath day's support" of the
Canons of St. Paul.

A provision for a guard and night's entertainment for
the Sovereign, is to be met with in most counties. Ox-
ford, which became a royal residence under Henry I., as it
had been under the Danish kings, is returned as paying

CHAP. XXIII. £150 (a large sum in those days) towards a royal entertainment for three nights; in *coined* money, £20; towards furnishing armour, 4s.; as a gift to the Queen, 100s.; instead of a hawk, £10; for a sumpter horse, 20s.; for dogs, £28; and six sextaries of honey.* In Oxford there were several *mural* mansions, *i.e.*, held on condition that the occupiers repaired the walls of the city. All these different services were in process of time converted into money payments.

Domesday contains ample evidence that dignified ecclesiastics married at this period.

We find references in it to the 'constabularius,' and 'bedellus'—constable and bedel; there were various sorts of bedels, including the forest bedel.

Danegeld.

Ante, p. 182.

One of the objects of the Conqueror in making this Survey was, to improve his finances by fixing, with greater certainty, the proportion of Danegeld, or the land tax of that day, to be paid by each landholder. It was originally a charge of one shilling on every hide of land in the kingdom, for the purpose of bribing or fighting the Danes; but after the accession of the Danish princes, it was one of the chief branches of the royal revenue, and was gradually increased until it reached the oppressive sum of seven shillings. Edward the Confessor abolished it, but it was revived at an early period of William's reign, and continued until Stephen's coronation, who took an oath that he would remit it. It became subject to numerous exemptions, including the demesne lands of churchmen, religious houses, the great lords and barons, and those who held by military service, as well as other partial exemptions.

Neither Northumberland nor Durham are included in the Survey, and only parts of Cumberland and Westmoreland appear: various causes have been assigned for this, the most probable being, that these districts were then in the hands of the Scots.†

* A sextary was a measure containing about a pint and a half.

† Annals of England, Vol. I., p. 199.

CHAPTER XXIV.

THE FEUDAL SYSTEM—THE MANOR AND ITS COURT.

WE have seen in Chapter XXI. how small a portion of the Weald was included by name in the Domesday of Kent, compiled twenty years after the conquest, and shortly before King William's death—at which time only four churches (so far as this Survey is an authority) had reared their heads. During this eventful period, the feudal system (previously existing only in embryo) had become firmly established throughout England.*

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Ante, p. 219.

In the following simple entry in the Survey of Middlesex, we find the recognition of the Sovereign as lord paramount, or supreme feudal lord of all the land in the kingdom :

“King William holds twelve and a half acres of land not claimed by any one (‘nanesmansland,’ or no man's land).” Here we see in force that wise and orderly maxim of assigning to every acre of the soil, and every other thing capable of ownership, a legal owner—such were the forests and waste grounds, which, up to this time, had not been appropriated in the general distribution of lands, and which the law vested in the Sovereign as part of the ancient demesne lands of the Crown, or else in his representatives, who thenceforth became the lords of manors ; this would include such of the unreclaimed portions of the Weald as were not under the dominion of any tenant in capite or lord of a manor at this time.

* The feudal system, *as a system*, cannot, says Creasy, be said to have existed in England before the overthrow of Saxon independence at Hastings. p. 85.

CHAP. XXIV. I now proceed to give a short outline of the feudal system, divested as much as possible of professional technicalities. Feudal land (and the land itself so held was called a feud or fief) was a circuit of land which a baron or ecclesiastic held of the King, from whom the holder had received permission to possess and enjoy it under the protection of the giver, while the actual dominion over it remained in such giver, who was technically called the lord paramount; to whom, in return, fealty or fidelity was sworn, and certain services were rendered, chiefly military at this time.* This was feudalism in its simplest form. But subinfeudation soon became common, and then a more complex state of things arose, for the feudatory or tenant in capite had dependents of his own, for whom he carved out and granted smaller manors and portions of his fief, to be held of himself on terms similar to those by which he held of the king. These dependents again might subdivide their sub-fiefs, and grant them to others, and so on almost *ad infinitum*.†

Many links in the feudal chain might thus intervene between the King as original grantor, or lord paramount, and the tenant paravail (*per avails*), the lowest and actual tenant of the fee, which was productive of great confusion, and occasioned an endless conflict of obligations and rights; as the same two men might be, and often were, lords and vassals of each other in respect of different lands. This system of subinfeudation, however, was permitted in England for about 180 years after the conquest. The practice, be it remembered, was not confined to the lay population, but ecclesiastics, as we have seen in Domesday, were also feudal tenants to the King, and swore fealty to him, and exercised the same jurisdiction as the lay lords among whom they dwelt; the peasantry still continued in a state of servitude, being forced to till the soil as abject de-

* "There can be no tenure without some service, because the service makes the tenure."—1 *Inst.*, I. 93.

† All these lesser manors conferred the rights of chase, which made them so attractive.

pendents, while the stores of the merchant, and the earnings of the artizan, were too often treated as the legitimate objects of knightly rapacity and violence. Guizot states that if we investigate feudalism in its social aspects, we shall find ample cause for the inextinguishable hatred with which it has ever been regarded by the common people. But this ought not to make us blind to its brighter features, including its chivalry, its desire to protect the fair sex, and its encouragement to literature and the arts.

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The district, which in Saxon times was known as the *vill*, *ham*, *burgh*, or *tun*, with a court of justice for all who lived in it, was now held by the Norman tenant in capite, or his under tenants, and acquired the name of a 'manor,' which term, it has been already stated, does not occur in genuine Anglo-Saxon charters or laws. It was so called because the chief baron or lord usually resided there, the *aula*, *halla*, or *hauia*, being the hall or chief mansion. Thus "Geoffrey, Bishop of Coutances, obtained, by the gift of King William, 280 villas, which we commonly call manors, from the word *manendo*."

Ordericus
Vitalis,
Lib. IV., cap. 7.

On which Baron Maseres makes the following observations:—

"Here we have the derivation and original meaning of the word *manor*; namely, the *mansion-house* of a country gentleman. The French use word *manoir* in the same sense, at this day. But in England, the word *manor* now denotes a parcel of land (with or without a house upon it), of which a part remains in the lord's or owner's hands, and is called his *demesne-land*, *terra dominica*, or *terra domini*, and another part has been granted away before the eighteenth year of the reign of King Edward I., or the year of Christ 1290, to two or more other persons, to hold to them and their heirs for ever, of the grantor, or lord, and his heirs, for ever, either by knight-service, or in free and common socage.*"

The manor might be of almost any size. Acres (Acrise), situate in this county, for many years held by Mr. Papillon's family, and now belonging to Mr. Mackinnon, only answered or was rated for one suling (160 acres) "which two brothers held, and each had a hall; now it is for one

Pearson, p. 30.

* Maseres, *Historiæ Anglicanæ Monumenta*, p. 256, quoted by Mr. Larking, Appendix xx.

CHAP. XXIV. manor;" while Setlinges (Selling), which then belonged to the Abbot of St. Augustine, is returned as a manor without a hall, which was not indispensable if the owner had one elsewhere. Under Hortune (Horton, in Axton hundred) we find, "these four manors are now for one." With the mansion the lord held, as we have just seen (and it is of sufficient importance to bear repeating), portions of land called his demesne, part of which he retained for occupation, and farmed it by the labour of his serfs; the remainder was distributed among his tenants, who were often mesne or inferior lords, possessing their tenants, all of whom held either by military service or socage tenure, and these lands the lord could not resume or encroach upon so long as the services were fulfilled. The waste and uncultivated lands were left for common of pasture, recreation ground, and roads. One of the earliest appendages to a mansion was a domestic court, called a court baron, where the tenure was freehold, and a customary court, where the tenure was copyhold; which each lord was empowered to hold for the protection of his own rights, and for settling the disputes of his tenants. It could only be held within the manor, and was usually held in the lord's hall; but I must defer for the present any further observations on this part of our history.

Elton's
Tenures of
Kent, p. 59.

Thus I have endeavoured to show in a few plain words how a new order of things was consummated by the Conqueror, the founder of a new dynasty, and also of "the royal feudal system," which has never been wholly abolished. The effect, so far as Kent was concerned, was not to increase or diminish the quantity of gavelkind land. The tenures of the vast territories belonging to the Church, with a few exceptions, however, became military, the lesser thanes knights, and the socage tenure of the yeomen and rustics was altered, though to a much less extent here than in the rest of England.

The only descriptive terms used in the Domesday of Kent, we have seen, were laths, hundreds, and manors; the



lath is placed first, next the hundred, and then the land within it under its new title of "manor." Sometimes it is written thus:—"Hugh de Montfort holds one manor Estwelle" (Eastwell); at other times thus: "The Archbishop holds Otefort (Otford) in demesne." But nearly all the different possessions returned in the Survey are styled manors. Seseltre (Seasalter) is however called "*parrum burgum*," a small burgh, and so is Forewic (Fordwich), while "the *vill*e which is called St. Martin," and was held by the Archbishop, was returned as pertaining to Estursete.* These, however, are almost the only references to burghs and villes.†

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Study as we may the Survey of Domesday, we shall acquire only a most imperfect idea of its contents. I have therefore prepared a map (No. 9), showing *only* the manors and vast possessions in Kent held by ecclesiastics at this time; and if we were to add to this map the 184 lordships granted by the Conqueror to Odo, Bishop of Baieux (which were confiscated on his disgrace, and re-granted to other favourites), and one to Albert the chaplain, it will only leave fifty-seven manors and possessions in the whole shire held by the laity. Of these, no less than forty-nine were granted to Hugh de Montfort (another Norman favourite); and only two to Earl Eustace, two to Richard de Tonbridge, and four to Haimo, the sheriff. The clergy of Kent, especially the dignitaries, who be it remembered were Normans, had no cause to complain of the Conqueror's treatment.

Ante p. 234.

If the Survey is not to be entirely relied on in its return of churches (it being no part of the duty of the Commissioners to make such a return), it affords abundant evidence of the *possessions* of the Church, and by whom they

Ellis' Introduction.
Hussey's Churches, Pref., p. vii.

* Now the modern hundred of Westgate (Canterbury), which (according to Domesday) appears to have been of considerable extent, and contained no less than seventeen if not twenty mills. In King Edward's time there were fifty-two messuages pertained to this manor (Estursete), but at the time of the Survey there were only twenty-five, the others having been destroyed "for the new dwelling-house of the Archbishop."

Larking, pp. 101, 103.

† From the Norman Conquest the *e* final is generally added.

CHAP. XXIV. — were held; and the map will, I trust, be found useful, especially in tracing, hereafter, the origin and names of parishes.

CHAPTER XXV.

THE EARL, SHERIFF, COURT OF EXCHEQUER, CORONER,
BAILIFF, ANCIENT CITIES AND CORPORATIONS, OF KENT.

WILLIAM I. died on the 9th of September, 1087, and was succeeded by his second son William, surnamed the Red. Odo had been released from confinement and was again in possession of the earldom of Kent. He soon took a prominent part with the new English nobility in a revolt against Rufus in favour of his elder brother, Robert of Normandy, which became very general. Having fortified Rochester Castle, "Odo began to make sore war against the King's friends in Kent;" he also took "divers castles in the province of Canterbury." The King, acting under the counsel of Lanfranc, assembled an army and entered Kent; proceeding to Tonbridge he attacked the castle, and compelled Gilbert, the son of Richard de Tonbridge,* then in command, to surrender it. Gilbert and his brother Roger were both wounded and taken prisoners, and the castle razed to the ground. Odo had betook himself to Pevensey, and awaited the aid promised by the Duke of Normandy, which, however, never arrived. William besieged this castle, which held out for more than fifty days, but was at last taken. The promise to surrender Rochester Castle was the only condition on which Odo could obtain pardon. There were then in Rochester the chiefs and flower of Normandy, under the command

CHAP. XXV.
A.D. 1087.

Holinshed,
Vol. II., p. 28.

* Some accounts state that Richard de Tonbridge (the father) held the Castle against William Rufus. He was then alive.—*Florent's Tonbridge Castle*, p. 11.

CHAP. XXV.

Rapin,
Vol. I., p. 183.

of Eustace, Earl of Boulogne.* Odo was conducted to the gates of Rochester, where he feigned to persuade the governor to deliver up the city; but Eustace observing by his looks that he did not speak from his heart, designedly detained him prisoner, and thus furnished William with an excuse for breaking his promise. William was then driven to besiege it. The city was well defended, but sickness broke out and the besieged were compelled to capitulate. After many discussions as to terms, the King granted them permission to march off with their horses. Odo thus reduced, returned into Normandy, and died at Palermo, on his way to the crusades, A.D. 1096.

Saxon Chron.,
A.D. 1088.

The King strengthened his position in Kent, where Robert was expected to land, and with the assistance of Bishop Gundulph, further fortified Rochester Castle,† and built the great tower. The defenders of our coast appear to have espoused the cause of their Sovereign, and having encountered some men sent by Robert to prepare for his expedition, "they slew many and drowned more," for which William Rufus loaded them with thanks, and made many promises which he failed to perform.

Ante, p. 75.

This monarch seems to have acquired among the Anglo-Normans as great a reputation for sacrilegious pilfering as Offa did among the Anglo-Saxons; and like Offa his hostility was chiefly directed against the Metropolitan See, for he appears to have enriched Bishop Gundulph and St. Andrew by conferring on the See of Rochester, Woolwich, Chislehurst, Sutton at Hone, with the chapels of Wilmington and Kingsdown, the tithes of Strood and a portion of the tithes of Chalk and Stoke, while on the death of Lanfranc, he kept the Archbishopric of Canterbury vacant for more than four years, and wasted its revenues by conferring some of them on his courtiers. All historians appear to acknowledge the wisdom and virtue of Lanfranc, who possessed considerable influence

* The grandson of the Eustace already mentioned; ante, p. 138.

† According to Kilburne, Rochester Castle was then accounted the strongest and most important castle in England.

over William Rufus; for while he mollified his furious and cruel nature, he exerted himself to teach his subjects to obey their Sovereign. His death was, therefore, a great loss to the nation, especially the clergy—the King, not being satisfied with the income arising from the first fruits of vacant benefices, appropriated to his own use *all* the profits, and would not fill them up; and sometimes he sold the benefices themselves to the highest bidder.

CHAP. XXV.

Rapin,
Vol. I., p. 183.

Lanfranc founded the hospital of St. Nicholas, Harbledown, Canterbury, for those who were afflicted with leprosy; and the hospital of St. John, Northgate, Canterbury, for infirm men and women. He was buried in Canterbury Cathedral.

Holinshed,
Vol. II., p. 30.

William Rufus became very sick while at Gloucester, and in fear of death, he at last appointed Anselm (Abbot of Bec, in Normandy) to the See of Canterbury without any election of the monks, but recovering, the saint (for the time) became again the sinner, and demanded £1,000 from Anselm on account of his gratuitous promotion, and some writers affirm that the Archbishop was not suffered to receive anything from the See but what the king sanctioned, until the sum imposed had been paid. This, combined with other causes, soon produced a quarrel between the Sovereign and his Metropolitan, and Anselm proceeded to Rome to submit his complaints to Pope Urban, who it is said would have excommunicated the King had it not been for the Archbishop. William in the meantime again seized on the temporalities of the See, and refused to reinstate Anselm, who retired to Lyons and did not return to England until after the death of William Rufus, which took place in the New Forest, the scene of his father's desolating tyranny, in the month of August, A.D. 1100, in the fortieth year of his age. There was a strange inconsistency in the character of this monarch: he heaped up riches purely from the desire to squander them away—covetous and prodigal at the same time, and thus his coffers were always empty.

A.D. 1093.

Macintosh says: "England, by his accession, only ex-

Vol. I., p. 119.

CHAP. XXV. changed a wily and wary tyrant for the unbridled licentiousness of an impetuous youth."

A.D. 1100.

William II. was succeeded by his youngest brother Henry (styled Beaclerc, or the scholar). He acted so promptly that he was crowned on the third day after his brother's death. He was reputed the ablest of the sons of the Conqueror, and was the only one who was an Englishman, having been born at Selby, in Yorkshire, which circumstance had no doubt some influence with the nation in securing the possession of the throne. His reign commenced with a struggle with his elder brother, Robert of Normandy, for the crown of England. Robert landed a considerable force at Portsmouth. Henry having an army assembled at Pevensey marched forward and overtook his brother before he could capture Winchester. They met apart from their armies, and wisely settled their differences without resorting to arms. Henry was to retain England, and Robert Normandy, and on the death of either without issue, the survivor was to succeed to both kingdoms.

Henry recalled Archbishop Anselm from his retreat at Lyons; but a controversy soon arose between them concerning the investiture of bishops, and the Archbishop a second time quitted England. The King, following the example of his brother Rufus, seized upon the possessions of the See, and had held them for four years when the Sovereign and his prelate met in Normandy, and a reconciliation took place; the Archbishop returned home, and soon afterwards died.*

The See again remained vacant for five years, when Ralph, bishop of Rochester, was elected. He acquired the unenviable name (for the Metropolitan at any rate) of Nugax, the Jester. He died in 1122, and was succeeded by William de Corboil, who obtained for the See of Canterbury the office of Constable of Rochester Castle. He restored the ancient Nunnery of Minster, in

* Anselm died in 1109, and 400 years after his death he was canonized at the instigation of Archbishop Morton, in the reign of Henry VII.

Sheppey, which had been destroyed by the Danes, rebuilt the church of St. Martin, Dover, and materially assisted in the re-erection of the cathedral at Canterbury. CHAP. XXV.

King Henry kept his court with much solemnity, at Canterbury, in 1129. He was twice married, and died in 1135, from a surfeit of lampreys, in the sixty-seventh year of his age, and thirty-sixth of his reign; his "good queen" Maud, daughter of Malcolm, king of Scotland, and niece of Edgar Atheling, having died in 1118. Rapin,
Vol. I., p. 199.

There were two conventions in this reign between King Henry and Robert, Earl of Flanders; both were dated at Dover, in the years 1101 and 1102, by which the Earl undertook to supply the King with men and horses in return for two pensions granted by the King. Acta Regia,
p. 8.

Rochester, renowned for its antiquity as well as its strength, has often suffered not only from the calamities of war but also from fire. In the reign of Henry I. (7 May, 1130), while the sovereign was attending with the archbishop, bishops, and nobility the consecration of the new church of St. Andrew, a fire broke out which destroyed almost the whole of the city. In the following reign (1137) another fire did considerable damage to it. No mention is made of a bridge at Rochester when the Danes committed so much havoc there. Hasted says the first reference to it is in the reign of Henry I., while Harris gives a later date from Stow's Annals. It was originally a strong timber bridge, and crossed the Medway with nine arches.

Although Henry's reign was a long one, no other incident occurred connected with Kent requiring notice here. Holinshed says he excelled in three virtues—wisdom, eloquence, and valour; blemished by the like number of vices—covetousness, cruelty, and fleshly lust. He left no son, and only one daughter, the Empress Matilda; but he had many natural children, including Robert, Earl of Gloucester. Henry in a great measure owed his throne to the ready support of the English, yet their very name was in his time a term of reproach: no virtue, no merit, would Vol. II., p. 77.

CHAP. XXV. advance an Englishman; while the Norman clergy, it would seem, treated their flocks as the sovereigns treated their bishops; for, according to their contemporary, Eadmer, they "were more wolves than shepherds."

But it is time I returned to our local history, and recorded the changes which took place in Kent, and in the titles of the officers who ruled over the shire as the representatives of the Sovereign, first premising that it has been my object to blend as little as possible Saxon with Norman history, but to refer to these different changes in the order in which they occurred. This, it will be seen, is somewhat difficult, when we remember that the Norman conquerors were desirous of effacing all traces of the political system which they were subverting.

The Earl.

Ante, p. 106.

**Chap. on
Degrees, p. 166.
Glossary to
Ancient Laws
of England,
Vol. II.**

**Camden,
p. 166.**

We have already noticed that the Ealdorman—sometimes styled Duke (both originally names more of trust and office than dignity, as they now are)—was the chief representative of the Sovereign; though Kent, probably from its limited extent, does not appear to have possessed such an officer up to the commencement of the eighth century. He was also sometimes called Shireman. While the Danes were in power they changed the name to *Eorles* which according to Camden signified in their language "honourable." Thorpe however says that in Anglo-Saxon and old Saxon, the term signifies "man," though generally applied to one of consideration, on account of his rank or valour. He seems to think that the term was introduced into Kent at a much earlier period by the Jutes, as it occurs frequently in the Kentish laws.* At the Conquest a change took place, and he was sometimes called *comes* (or count, from the French) which gave rise to the substitution of county for shire, but this officer did not long retain that name in Kent, for Odo we have seen was created an Earl, and thenceforth the office became one of dignity, as well as of emolument; and the title also became "feudal, hereditary, and patrimonial." In short he was no

* Thus in the laws of King Ethelbert (13): "If a man slay another in an 'Eorl's' tun, let him make 'bot' (compensation) with XII. shillings."

longer the Ealdorman, comes, or count of the shire, but "Earl of Kent" and "the third penny" (or one-third of the perquisites and profits arising from the courts of the shire) was still assigned to him. CHAP. XXV.
Ante, p. 239.

Camden gives a copy of the patent for the creation of an Earl by the Empress Maude, daughter and heir to Henry I., which he had seen. p. 166.

"I Maude, daughter of King Henry, and Lady of the Englishmen, do give and grant unto Geoffrey de Magnavil (or Maundivil) for his service and to his heirs after him by right of inheritance, to be Earl of Essex, and to have the third penny out of the sheriff's court issuing out of all pleas as an Earl should have throughout his county in all things."

At this time every Earl appears to have had a shire for his Earldom, but the increase in their numbers in the course of time rendered this impracticable.

About the reign of King John the Earldom was shorn of its emoluments, and on any subsequent creation of an Earl of Kent or of any other place, no profits were attached to it, though an annual fee was oftentimes paid to him out of the Exchequer.

The titles of scire-gerefa, scyrgerefa, greve, reeve—in Latin, *præfectus*, *præpositus*, appear all to have been used in Anglo-Saxon times, and of all these terms most writers agree that that of *præpositus*, which is mentioned eight times in the Domesday of Kent, is the most unintelligible. Mr. Larking translates it throughout "Reeve." Thus in the case of Newenden in the Archbishop's manor in the Weald, "The reeve renders £18 10s." Here he could only have been the chief officer of the manor, and not of the wic, burh, hundred, lath, or shire. As far as the shire was concerned, most of these terms were in Anglo-Norman times first changed for that of Vicecomes, the deputy of the earl or count, and a little later for our more modern title of sheriff* (shire-reeve), though probably with some modification of the functions of the office. The Sheriff.
p. 103.

In consequence of the employment and necessary attendance of the Earl on the Sovereign, he was relieved

* Sheriff, from the Saxon word *reafan*, to levy, to seize; the German word is *graf*.

CHAP. XXV. from the burthens originally incident to his office, which were transferred to the sheriff, who, though still often called *ricecomes*, at last became entirely independent of the Earl, and derived his authority immediately from the Sovereign whom he represented. He appears to have been originally elected by the freeholders, though the office was hereditary in some counties.*

In the reign of Edward II., this mode of election ceased, and up to the present time the judges propose three names from each county to the Sovereign, who selects one, the appointment being only for the year.

p. 160.

Hawkins'
Pleas of the
Crown, c. X.

The sheriff had to watch over and preserve the rights of the Crown. Camden says he might well be termed the treasurer of the shire; he was certainly the royal fiscal officer, and was chargeable with the collection of all rents due to the Sovereign, a duty now performed by the Commissioners of the royal woods and forests. He had to seize all lands forfeited by attainder, or escheat, levy all fines and forfeitures, and seize and keep all waifs, wrecks, estrays, and the like, unless already granted to some subject. The sheriff's tourn was the great Court Leet, or Criminal Court of the shire. It derived its name from the circumstance of the sheriff's taking a turn or circuit about his shire, and holding a court in each respective hundred, where he presided as judge over a jury, who presented all offences committed within their jurisdiction; and he punished all trivial misdemeanours, justice being thus brought home to the door of every man. The County Court for the trial of Civil cases was held at Penenden Heath, where causes of 40s. value, and under, were tried. He also presided over all shire meetings, including the election of the knights of the shire, and of coroners, which duties he still discharges.

* The Earls of Thanet were hereditary sheriffs of Westmoreland; but on the death of the last earl in 1849, the title having become extinct, the law of election of sheriff in that county was assimilated to that of the rest of England. The advocates for the "rights of women" may take courage, for Lord Coke tells us that Anne, Countess of Pembroke, held the office, and exercised it in person; and at the assizes at Appleby she sat with the Judges on the Bench.

Before closing my remarks on the office of sheriff, it may be interesting to many of my readers, if I here insert a portion of one of the earliest sheriff's returns for Kent, in the reign of Henry I. But to enable it to be better understood, I must first explain that from the time of the Conquest until the reign of Henry I., there was very little coin in circulation; the payments due to the Sovereign were chiefly made in provisions and the services rendered by the tenants, chiefly military. From this time, the money collected was paid into the Court of Exchequer* in gold and silver. This court was originally established for two purposes; one for the collection of the revenue of the crown, the other for hearing and deciding all causes affecting such revenue. It was in full operation in the reign of Henry I., and was presided over by officers called barons, and a treasurer, before whom all sheriffs and bailiffs had to account. Under these officers clerks were appointed, who were styled clerks of the remembrance, whose duty it was to put the lord treasurer and barons in remembrance of whatever concerned the income of the Sovereign. They then prepared and entered the particulars in a roll, which was called the great Roll of the Pipe,† from the shape which it took from its large size. The revenue then stood in charge to another officer, called the clerk of the pipe, and he saw the same answered or discharged by the sheriff, or farmer of it, in each shire, &c. This annual account is continued, and the sheriff still takes his "quietus" yearly, though the sums now collected by him are very trifling.

CHAP. XXV.

The
Exchequer.

Pipe Roll.

The following is the extract from the sheriff's return for Kent already referred to:—

"THE GREAT ROLL OF THE PIPE, 31 HEN. I.

"Rualonus, the sheriff, renders his account of the farm of Kent. * *

* * *

"And the same sheriff owes thirty marks of silver for a murder in the

* Camden says it took its name from the cloth which covered the table at which the court met, being parti-coloured or chequered.

† Nearly all our ancient pedigrees are indebted to the Pipe Roll for considerable assistance, as there is scarcely a name of note which is not to be found in it.

CHAP. XXV. hundred of Middleton, for one man who killed another whom the infirm (infirmi) took away from the King's Justice."

The sheriff also accounted for £51 2s. 3d. received in Kent as "danegeld." The other hundreds mentioned in this roll are Faversham, Shamel, and Achestan.

The 'infirmi' here referred to were probably the sick attendants of some religious house or hospital who had assisted in the escape or secreted the murderer, for which the hundred had incurred the above fine. Middleton (Milton) was situate between two of them; one at Chatham, founded by Bishop Gundulph; and the other at Canterbury, founded by Archbishop Lanfranc.

The sources of income of our Anglo-Norman sovereigns are enumerated in the Pipe Rolls; and I will here insert some of them, though they will not give the reader a very favourable impression of the purity of the stream from which justice in those days was expected to flow.

Grimaldi's
English
Genealogies,
p. 37.

"Reliefs, escheats, fines for granting the wardship of infants, fines not to grant such wardships, from knights to have wards in marriage, from wards not to be given in marriage, *from the Jews on every imaginable occasion, from knights for licence to defraud them,* from the Jews for protection from being defrauded*, for aids, scutages, tallages, and customs, to have justice and right, for writs, pleas, trials, and judgments, for expedition of them, for delay of them, fines payable out of debts to be recovered, for having offices, by tenants in capite for leave to marry, for leave to trade, for the king's favour, for his protection and aid, for his mediation, for seisin, for replevin or bail, for acquittal, for murder, manslaughter, trespass and misdemeanour, for leave to settle duels (even between brothers), and for many other causes too numerous and disgraceful to mention, excepting, indeed, for the purpose of considering how superior are the freedom and happiness of the humblest menial in these days to the liberty and power of the greatest baron six centuries back."

Tallies.

The ancient mode of keeping accounts was by tallies, still used in our hop gardens. Hence the Tallier of the Exchequer, now called the Teller. On the payment of the debts due to the crown, these tallies were delivered to the debtors, who carried them to the Pipe office and there received an acquittance. The use of them was abolished in the reign of George III.†

* This is no doubt an over-statement.

† These tallies were of wood, and on the change of practice, the existing stock was long employed to heat the stoves in the House of Lords. From

The next officer in point of antiquity is the Coroner, mention being made of him in King Athelstan's charter to Beverley, in the tenth century. Kemble, however, marks this charter as spurious. Reeve, places the institution of coroners in the reign of Richard I. (1194), when the justices were instructed to see that three knights and one clerk be chosen in every county as *custodes placitorum coronæ*. Coroners are mentioned by Bracton (who lived in the reign of Henry III.); and we shall shortly find a coroner for Kent discharging his duties in that reign; but it may be doubted whether the office was of Saxon origin. He had a concurrent power with the sheriff as a conservator of the peace, when the earl gave up the wardship of the shire. The Lord Chief Justice is the principal coroner of the kingdom. Six are appointed for Kent, who are still chosen by the freeholders. He was called coroner, *coronator*, because he had principally to do with those pleas wherein the Sovereign was more immediately concerned; but the duties of the office are now almost wholly confined to the holding of inquests in cases of *felo de se*, or where one comes to a violent death, or is killed by "chance-medley;" and until the present century, whatever the personal chattel might be which was the immediate occasion of the death, it was forfeited to the Crown to be applied to pious uses, and was called a deodand (*Deo dandum*), being designed as an expiation for the souls of such as were snatched away by sudden death. The original charitable, though superstitious design, was soon perverted, as these deodands, like other forfeitures, were granted by the Sovereign to Lords of Manors, &c., as a royal franchise. Coroners' juries, previous to the abolition of deodands, usually and very properly mitigated these forfeitures, though to the prejudice of those who were entitled to them. It is also part of the duty of the coroner to institute inquiries respecting treasure trove, wrecks of the sea, fires, &c. He

CHAP. XXV.

The Coroner.

Vol. I., p. 202.

having been used in too large quantities they are supposed to have occasioned the destruction of the Houses of Parliament in October, 1834.

CHAP. XXV.**The Bailiff.**

also represents the sheriff, and executes writs, &c., in those cases where the sheriff is himself interested.

Shortly before or at the Conquest a new office was created by the Anglo-Normans, styled the Bailiff, the limits of whose jurisdiction was called a Bailiwick, in imitation of the French, says Fortescue, whose territory is divided into Bailiwicks.* The Sheriff was then frequently termed the King's Bailiff, and his county or jurisdiction a bailiwick. In Magna Charta and some of our early statutes the word bailiff seems to comprise as well sheriffs as bailiffs of cities, towns, laths, and hundreds.

According to Lambarde, Philipott, and Sandys, there were twelve bailiffs appointed for this county; but Kilburne, Harris, and Hasted, enumerate fourteen, viz. :—

BRIDGE AND PETHAM.

CHART AND LONGBRIDGE.

EASTRY.

EYKHOEN.

HOO.

LOWY OF TUNBRIDGE.

MILTON.

SCRAT.

THE SEVEN HUNDREDS (referred to hereafter).

SHIPWAY.

STOWTING.

SUTTON (BROMLEY).

SUTTON (DARTFORD).

TWIFORD.

The two omitted by the three first authors are Dartford, taken from Sutton-at-Hone, and the Lowy of Tunbridge, taken from Twiford.

These Bailiffs acted as subordinate officers to the Sheriff, and were originally men of good position.

Bailiffs were also appointed for the cities and corporate towns, &c. (which we will presently refer to), and also for the following separate franchises :—

The Liberty of

THE ARCHBISHOP OF CANTERBURY.

ASHFORD.

ST. AUGUSTINE.

DEAN AND CHAPTER OF CANTERBURY.

ELHAM.

DUCHY OF LANCASTER.

ELHAM.

LYMINGE.

BISHOP OF ROCHESTER.

SEVENOAKS.

WROTHAM.

WYE.

* A bailiwick signifies not only a county, but also a liberty exempt from the jurisdiction of a county.

The Sheriff of the county directed his warrants to the Bailiffs of these last mentioned liberties, and not to his own officers. In the cases of Elham, the Duchy of Lancaster, Lyminge, Sevenoaks, and Wrotham, which did not possess courts of record, the warrants to remove persons and causes were not directed. We meet with constant disputes arising from attempts to infringe on these liberties; some of them will be noticed.

CHAP. XXV.

I will next mention the several cities and ancient Corporations in Kent to which charters have been granted, and show the different changes in their titles, and how in almost every case the Mayor has superseded the Bailiff; * which term Bailiff in process of time had come to include so many subordinate offices, † that (as it appears to me) it ceased to be held in repute, so that when the importance of a city or town increased, that of Mayor [anciently written *Meyr* ‡] was substituted, which is derived either from an old English word *maier*, implying power, or from a French word *maire*, a corruption of *major*. This change, however (which was an act of royal favour), was not a hasty one.

Ancient Cities and Towns.

It may be better to defer speaking of these changes until the next chapter, when I will briefly notice the cities of Canterbury and Rochester, and the fourteen other ancient corporations in alphabetical order. No less than ten of them, viz. :—Deal, Dover, Faversham, Folkestone, Fordwich, Hythe, Lydd, Romney, Sandwich, and Tenterden, are within the liberties of the Cinque Ports.

* Richard I. in 1189 gave a Mayor to the City of London instead of its bailiffs.

“The city’s first Lord Mayor is buried here, Fitz-Alwyn, of the Drapers’ Company,”

was, according to Stow, part of the epitaph of Henry Fitz-Alwyn, who died in 1212, and was buried in the Priory of the Holy Trinity, Aldgate.

† The office of bailiff (except in a few cases) had fallen, if not into disuse, into a certain amount of contempt, until the remodelling of the County Courts in 1846.

‡ *Meier*.—In the middle ages the Major-domus of the Franconian Kings. There is also an Anglo-Saxon word *Mæra*, meaning great; but the word Mayor came in after the Norman invasion.

CHAPTER XXVI.

THE ANCIENT CITIES AND CORPORATIONS OF KENT
(CONTINUED).

CHAP. XXVI.

Canterbury—
in Domesday,
Cantuarua.

p. 363.

Larking, p. 96.

CANTERBURY*—formerly written *Cantwaraburh*, the Kentish men's burg or fortress.—The officer we first meet with as presiding over this royal vill or burh, was styled *Præfect*, *Portreeve*, or *Prorost*; names, says Somner, differing more in sound than in sense and signification; and one or the other of these names was used up to, and even long after, the Conquest. Under Canterbury, in the Domesday of Kent, mention is made of the *Præpositus regis*; also of a former *Præpositus* who had been guilty of exaction; he is thus referred to:—

“A certain reeve named Brumann, in the time of King Edward, took customs of foreign merchants in the land of Holy Trinity and St. Augustine, who afterwards in the time of King William acknowledged before Archbishop Lanfranc and the Bishop of Baieux that he had unjustly taken it.”

When the Survey was in progress, the sheriff of the county (Haimo) had possession of the city. Archbishop Lanfranc appears afterwards to have held it in fee-farm. Lambarde says the Archbishops were absolute owners of the city in the reign of William Rufus, though there was still a Portreeve to superintend and rule over it. In Anselm's time, one *Calreal* styles himself *Portgrera* in witnessing an instrument effecting an exchange between

* My thanks are due to Mr. Munn, of Tenterden (one of the senior members of the legal profession in Kent), and the Town Clerks, and other friends, for the assistance they have kindly rendered to me in preparing this chapter.

"the family of Christ Church, and the Knights of Canterbury of the Society of Merchants." The number of those officers was afterwards increased to two, but their election did not rest with the citizens until the reign of Henry II., who by his charter granted the town to the citizens in fee-farm and empowered them to choose their own Bailiffs. Henry VI. substituted a Mayor for Bailiffs, and a Corporation by the name of Mayor and commonalty; Edward IV. made the city a county *per se*, and its privileges were extended by subsequent monarchs.

CHAP. XXVI.

Report on
Municipal
Corporations,
Part II., p. 685.

The records of Canterbury furnish better information respecting these offices, and the changes which took place, than any other city or town in Kent; for the appointment of a Præfect can be traced back to the reign of Offa, A.D. 780, and the subsequent appointments of Portreeves as well as Provosts. In the reign of Edward I. (1282), Sir William de Orlastone was appointed *Custos civitatis*. Similar appointments were made at intervals during the next century. "Adam of the Weald" was twice Bailiff towards the end of the thirteenth century.

John Lynde was the first Mayor of Canterbury, in the year 1449, and was buried at Westgate church.*

Somner,
p. 366.

ROCHESTER—*Rofeceaster*.—Built, says Bede, by one Roffe, in the time of the Romans. Before the reign of Edward IV. this city was governed by a Portreeve according to Philipott, and by a Bailiff according to Hasted. I think Hasted is right. Henry VI. granted two charters to Rochester. In the first he refers to the dissensions which had taken place in the reign of Henry III. "*inter ballivos et probos homines*," and states that he (Henry III.) had taken the city into his own hands. In the second there is a grant of a Court of Portmote to be held before the Bailiff and citizens, and the charter of 1st Edward IV.

Rochester—
in Domesday,
Rovescestre.

Municipal
Corporations
Report,
Part II., p. 841.

* I possess a copy of Somner's *Antiquities of Canterbury*, which formerly belonged to Gostling, the author of "The Walk Round Canterbury." He died 9th March, 1777, having been fifty years minor canon of Canterbury. Among his marginal notes I find, "The first Mayor of Canterbury was elected under the charter of Henry VI., in 1448, and not 1449."

CHAP. XXVI. (1461) incorporated the city by the name of the Mayor and citizens of the city of Rochester.

Deal—
in *Domesday*,
Addelam.

Jeake, p. 122.

Boys' Coll.
Sandwich,
p. 675.

Mun. Corp.
Rep.,
Part II., p. 931.

Dover—
in *Domesday*,
Douere.

DEAL—sometimes written Dale, denoting “a plain valley”—“a low open plain upon the sea shore.” Philpott omits it. It was deemed within the Liberty of the Cinque Ports, and pertaining to Sandwich, as early as the reign of Henry III. This annexation was disputed in the reign of Henry VI., on an assessment of the county to a general subsidy, from which Deal (as a member of the Cinque Ports) claimed exemption; and that King determined the question by formally annexing it by letters patent as a mark of royal favour. At this time it was governed by a deputy and assistants, nominated by the inhabitants, but appointed by the Mayor and Jurats of Sandwich. Deal flourished while Sandwich declined; jealousies arose between the parent and its offspring;* when, after much solicitation from Deal, and strenuous opposition from Sandwich, William III. incorporated the town by a separate charter, dated 18th October, in the eleventh year of his reign (1699), which appointed the first Mayor, Jurats, and officers, the title being “The Mayor, Jurats, and commonalty.”

DOVER†—From the British word *Dufr* or *Dur*, signifying water (one of the Cinque Ports)—was a Town and Port by prescription or charter under Barons (Freemen); Kilburne says the townsmen were called burgesses in the reign of Edward the Confessor, but he gives no authority. The Sovereign appears to have had a bailiff, and there was a water-bailiff. Dover has the reputation of being the

* We witness the same thing in our day, in the parliamentary annexation of Folkestone to Hythe.

† When the Municipal Corporation Commissioners were prosecuting their inquiries on the state of the corporations of England, party spirit ran very high, and the corporations of Dover, Maidstone, New Romney, and other towns declined to produce their charters. This will be, hereafter, a subject of regret, as the appendix to the reports published by order of the House of Commons, in 1835, is thus rendered incomplete, while the refusal did not prevent the reform that was contemplated. From the appendix to this report I have derived material assistance in compiling this chapter.

first of the Cinque Ports that was incorporated by the name of the Mayor and commonalty. This act of royal favour was conferred by Edward I., through the influence of the Prior of Dover. The Mayor was chosen by the commonalty, from which body he chose his assistants for the year, who were to be sworn in; and from hence it is supposed that the word 'jurat,' peculiar to the justices of the Cinque Ports, was derived.

FAVERSHAM—"An unhealthy town,* carries the tokens of it in its name."—Within the liberties of the Cinque Ports, and a member of Dover. A charter granted 86th Henry III. (1252), confers on the Barons (freemen) freedom from tolls and from all custom of selling and buying in England and Normandy; quit of shires and hundreds, and to have den and strond at Yarmouth. They were not to plead elsewhere than at Shepway.

Another charter was granted in the forty-sixth year of the same reign (Henry III., 1262), which recites that disputes had arisen between the Abbot of Faversham and the Barons of the town, respecting infangthef [power of seizing and trying criminals], and outfangthef [power to pass judgment on a resident *within* the manor, for an offence committed *out of* it], to be made within the town; and it had been agreed that the Abbot should for ever hold in his court, pleas of the liberty, and all other pleas within the town belonging to the liberty of the Cinque Ports, saving the pleas of the court of Shepway.

Then follow two charters of Edward I., from which it would appear the corporation was styled a Mayor and commonalty, and a confirmation was granted by Edward III. The disputes between the Abbot of Faversham and the corporation, respecting their liberties, were revived in the reign of Richard II., and he granted a commission to inquire into and settle them. A charter of Henry V. provided that a mace should be carried before the Mayor.

* I am quoting Philipott. If he was correct, a vast improvement has taken place in this town since he wrote in the seventeenth century. Jeake calls it "a pretty market town, noted of old for the parliament held there by King Ethelstane, A.D. 903."

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Hasted,
fol. ed.,
Vol. IV., p. 88.
Kilburne,
p. 82.

Faversham—
in Domesday,
Favreshant.

Ante, p. 214.

p. 125,

CHAP. XXVI. Succeeding Kings continued to grant charters to this corporation down to the reign of Henry VIII., when, on the suppression of the monasteries, this King, by a charter dated 27th January, 37th year of his reign (1546), after reciting that the government of the town previously belonged to the Abbot of Faversham and the Mayor and Jurats, proceeds to name a Mayor, twelve Jurats, and a number of freemen, and provides for their future election. Edward VI. confirmed this charter.

Few towns, I suppose, connected with the Cinque Ports, possess a greater number of charters, or can produce a better title to their privileges.

Folkestone—
in Domesday,
Fulchestan.

FOLKESTONE—also gives name to the Hundred. According to Lambarde, it derives its name from the stone cliff there, the rest of the cliffs between that and Dover being chalk; according to Philipott, its derivation is from “a town full of folk.”* Dr. Harris styles it “*Lapis populi*.” Having become impoverished, it was united to Dover, before the reign of Henry I., as a member of that town and Port, by the name of Barons (freemen). The only charters in the possession of the corporation are, one of 28rd January, 5th Edward II. (1313); and one of 25th February, 1st Edward III. (1327); which correspond with the general charters granted to the Cinque Ports. From what precise time the town was governed by a Mayor, Jurats, and commonalty, is doubtful.

Harris appears to have seen an ancient custumal of Folkestone in the possession of Sir Basil Dixwell, Bart., Lieutenant of Dover Castle in the reign of William III., without date, regulating the election of the Mayor and other officers.

The lord of the barony, hundred, or royalty of Folkestone (now the Earl of Radnor) was entitled to all the tolls, &c., within this jurisdiction; and the election of the water Bailiff was vested in the lord, but he was under the

* Jeake rightly prophesied, that “Folkestone might again deserve the name of the *Town of People*, or *People's Town*, from its popularity;” that is, population.

control of the Mayor. These rights were all sold by the late Earl to the corporation, in 1855. According to Domesday, there were in the hundred at that time no less than eight churches, eleven mills, and one saltwork, with £3 issuing from a dene.

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FORDWICH—'Fordwic, the town on the ford.' The corporation does not possess any charters or maps, but only an ancient custumal, which refers to a charter of Henry II., and another charter of one of the Edwards, but with no date. The water liberty extends about nine miles down the Stour, to a point called 'Pluck's Gutter,' and is thus described in the custumal:—

Fordwich—
in Domesday,
Forewic.

"The entire franchise in the river which flows and ebbs into Stourmouth, and so over the lands on both sides the water, as far as a man, being in a boat at high water, can throw an axe of 7lb. weight, called a taper axe, upon the land."

It is now governed by a Mayor, Jurats, and freemen; but when the incorporation took place, I have been unable to ascertain. It is within the liberties of the Cinque Ports, as a member of Sandwich, and enjoys their privileges. It was no doubt at one time a place of some importance, as from their custumal it would appear that Henry II. empowered them to have a guild-merchant. Whether or not the sea flowed up here from Reculver while it continued one of the mouths of the *Portus Rhutupinus*, as it has been surmised, the Stour was certainly navigable as far as Fordwich, if not to Canterbury, for we find Eadbert, King of Kent, in 747,* gave to the Church of Reculver, the tribute of one ship "in Villa de Fordwic."†

Somner's
Canterbury,
p. 211.

Ib., p. 45

* Kemble marks this charter spurious.

† A considerable interest is just now attached to the fishery of the Stour in consequence of the recent changes in the law; and this river is at present under the fostering supervision of Professor Buckland. As Fordwich trout are almost always associated with its Mayor and corporation, the following observations by Somner in 1640, and Izaak Walton (of piscatorial celebrity) in 1653, may be acceptable to many of my readers:—

Somner says:—"And now have I done with the river (Stour). Only, let not my silence smother or suppress that due praise and commendation well known to appertain unto it, for (what, but for the common poachers it would much more abound with) the plenty of singular good fish, which it breeds and yields, of divers sorts, trouts especially; whereof those at

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Gravesend
and Milton—
in Domesday,
Gruvesend.

GRAVESEND = *GRUVESEN*.—HENRY IV. appears to have granted, by letters patent, certain privileges to these towns which Queen Elizabeth confirmed, and incorporated them by the name of the "Portreeves, Jurats, and Inhabitants of the burg of Gravesend and Milton." James

Fordwick bear away the bill; a place of note as *Canace* saith; in that respect."

Isaac Walton says:—"There is in Kent, near to Canterbury, a trout called there a *Fordidge* trout, a trout that bears the name of the town where it is usually caught, that is accounted the rarest of fish; many of them near the bigness of a salmon, but known by their different colour, and in their best season they cut very white: and some of these have been known to be caught with an angle, unless it were one that was caught by Sir George Hastings, an excellent angler, and now with God; and he hath told me, he thought that trout bit not for hunger but wantonness; and it is the rather to be believed, because both he then, and many others before him, have been curious to search into their bellies, what the food was by which they lived; and have found out nothing by which they might satisfy their curiosity. Concerning which you are to take notice, that it is reported by good authors, that grasshoppers and some fish have no mouths, but are nourished and take breath by the poroseness of their gills, man knows not how; and this may be believed, if we consider that when the raven hath hatched her eggs, she takes no farther care, but leaves her young ones to the care of the God of nature, who is said in the Psalms, to 'feed the young ravens that call upon Him.' And they be kept alive, and fed by a dew, or worms that breed in their nests, or some other ways that we mortals know not; and this may be believed of the *Fordidge* trout, which as it is said of the stork, that he knows his season, so he knows his times, I think almost his day of coming into that river out of the sea, where he lives, and, it is like, feeds nine months of the year, and fasts three in the river of *Fordidge*. And you are to note that those townsmen are very punctual in observing the time of beginning to fish for them; and boast much that their river affords a trout that exceeds all others. And just so does Sussex boast of several fish; as namely, a *Stekely* [Selsea] cockle, a *Chichester* lobster, an *Arundel* mullet, and an *Amerly* [Amberly] trout.

"And so much for these *Fordidge* trouts, which never afford an angler sport, but either live their time of being in the fresh water, by their meat formerly gotten in the sea, not unlike the swallow or frog, or by the virtue of the fresh water only; or as the bird of paradise and the camelion are said to live by the sun and the air.

"Now you are to know, that it is observed, that usually the best trouts are either red or yellow; though some, as the *Fordidge* trout, be white and yet good; but that is not usual: and it is a note observable, that the female trout hath usually a less head, and a deeper body than the male trout; and is usually the better meat: and note, that a hog-back, and a little head to either trout, salmon, or any other fish, is a sign that the fish is in season."

* Lambarde says Gravesend is derived from the Saxon, *gerfesend*; in Latin, *Limex Prætorius*, the limit or precinct of the reeve. Dr. Harris quaintly remarks, "This etymology is very elaborate, so I am apt to think it is rather learned than true, for I fancy it imports no more than the end of the hollow place, which terminates at the river, as grave in this sense is common in Kent." Phillipott, however, appears to agree with Lambarde. He writes "*Gravesend*, quasi *Grevesend*, the limits of the liberty."

Butler was the first Portreeve. By that charter (after reciting that the towns or parishes of Gravesend and Milton were in great ruin and decay, by reason of the diminution or discontinuance of the common passage between Dover and London, and that the common passage by water between Gravesend and London by virtue of the letters patent of Henry IV., confirmed by succeeding Sovereigns, was not rightly governed), the Queen granted to the inhabitants thereof to be a body corporate by the name of the "Portreeves and Jurats, inhabitants of the towns and parishes of Gravesend and Milton;" to have a court of record before the two Portreeves and ten Jurats, four times a year; the corporation to consist of two Portreeves and a clerk of the market (to be elected annually by the Portreeves, Jurats, and inhabitants), and ten Jurats, to be elected by the same body for life, upon vacancies occurring. The charter substituting a Mayor for a Portreeve was granted by Charles I. (18th March, 1632). Thomas Young was the first Mayor, and is named in the charter. Neither Kilburne nor Philipott refer to the incorporation of these towns.

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HYTHE, signifying, in Saxon, a harbour or haven, is one of the original Cinque Ports; and whether or not all or any of these Ports owe their title to prescription or charter, is of little consequence in point of antiquity. The appointment of the Bailiff to this town and port (who acted jointly with the Jurats and commonalty), was vested in the Archbishop, until the reign of Henry VIII.* The Crown then took the town in exchange, and appointed the Bailiff yearly. The chief charter in possession of the corporation is one of 17th Elizabeth (1575), by which a Mayor was substituted for the Bailiff, the title being "Mayor, Jurats, and Commonalty."†

Hythe—
in Domesday,
Heda.

* Kilburne says it was originally incorporated by the name of "Barons [freemen] of the town and port of Hythe."

† This charter confirms all the previous privileges of the town, and provides that they should have a fair of three days for sea fishing and other merchandize, with all the profits attached to it.

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I am indebted to my friend, Mr. Mackeson, for the following inscription taken from a brass in the south aisle of the nave of the parish church of Hythe, which fixes the time when the change from Bailiff to Mayor took place at Hythe.

"Here lyeth ye body of John Bredgman, Jurat of this Town and Porte of Hethe, ye laste Bayly and fyrste Mayer of ye same, who depted ye 3 of Decemb. Ao. 1581, and in ye 24 yere of ye R. of o Sovereig Laidye Queen Elizabeth.

"Whylst he did live which heare doth lie, three sutes gatt of ye Crowne, The mortmaine, fayer, and mayralltie, for Heythe, this anntient towne, And was him self the Baylye laste, and Mayer fyrste by name, Though he be gone, tyme is not paste to preayse God for ye same."

Lydd—
not in
Domesday.

LYDD—*Lida*, denoting the shore.—One of the chartered corporations of the Cinque Ports, being a member of New Romney. It is governed by the existing charters of the Cinque Ports, the original title being Barons (freemen). The corporation, however, possesses a charter of the 5th Edward I. (1277), confirming the former privileges of the Cinque Ports and their members, and a similar charter of 1st Edward III. (1327). They have also letters patent of 1st Henry II. (1154), 1st Henry IV. (1399), and 1st Henry V. (1413), granting to the Archbishop's men of Lydd and Dengemarsh the same privileges which Hastings or any of the Cinque Ports enjoy. The title of the corporation has never been changed; it is still the Bailiff, Jurats, and Commonalty of the town of Lydd.

Maidstone—
in Domesday,
Meddestane.

MAIDSTONE is written in various ways, as Medwayes-Towne—Medweyston—Madustowne—Meddistane, signifying "the town on the Medway." The Saxons, according to Lambarde, in fixing the names of their chief places often borrowed the names of the waters adjoining; thus Eilesford of Eile, Dartford of Darent, Crayford of Cray.

The hundred of Maidstone is co-extensive with the manor. The Earl of Romney is the present lord of it. The Archbishop of Canterbury was formerly the lord, and had a palace here, which Leland states was anciently a castle. Philipott conjectures that Maidstone was the Archbishop's *Caput Baroniz*, and he tells us that he has

made diligent search and finds none so likely as Maidstone. Be this as it may, the residence of the Archbishop here does not appear to have been a place of any note until the reign of King John, when a seat was presented to Archbishop Langton by William de Cornhill for a residence.

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Hasted,
Vol. II., p. 95.

Maidstone was anciently governed by a Portreeve and twelve brethren, until the reign of Edward VI., who incorporated it by the style of Mayor, Jurats, and commonalty. Richard Heley was the first Mayor, and was elected in November, 1549; but the town soon lost its franchise by Wyatt's rebellion in the reign of Queen Mary, which originated here, and which will be noticed hereafter. The town remained disfranchised about six years, when Queen Elizabeth, in the second year of her reign, again incorporated it with some additional privileges.* This was done by letters patent; and in the following reign doubts having been raised as to their validity and meaning, James I. in 1604 granted a fresh charter by the name of "The Mayor, Jurats, and Commonalty of the King's town and parish of Maidstone." The same King granted another charter in 1619. Charles II. incorporated the town anew in 1682. Unfortunate disputes arose between the inhabitants and the Corporation in the reign of George II., when informations of *quo warranto* were filed, the Corporation was dissolved by judgment of *ouster*, and a new charter was granted in the twenty-first year of the reign of that King (1748).

QUEENBOROUGH, so called in honour of Philippa, Queen of Edward III., who, by his charter granted 10th May, in the forty-second year of his reign (1369), incorporated it by the title of Mayor, Bailiffs, and burgesses. This charter states that the King, "considering a certain place

Queen-
borough—
not in
Domesday.

* "Elizabeth, in her eighth year, ordered a survey to be made of the several places in this county where there were any boats, shipping, &c., in the return of which it was given in that there was here a Mayor and Aldermen; houses inhabited, 294; landing places, 4; ships and hoyes, 5, one of thirty tons, one of thirty-two, one of forty, and one of fifty; and persons wholly occupied in the trade of merchandize, twenty-two."—*MSS. Dering, quoted by Hasted. Vol. II., fol. ed., p. 106.*

CHAP. XXVI. in the island of Shepye as a situation very commodious and safe, and an arm of the sea of great breadth and depth, and a convenient harbour for shipping, *had begun to build a castle and town there*, and intended to strengthen them with walls and trenches, which town he had thought fit should be named 'Queensborough.' The charter then directs that the town shall be a free borough, and the Mayor and two Bailiffs were to govern it, and take an oath before the Constable of the Castle. They were to have two markets every week and two fairs in the year, and were exempt from the jurisdiction of the Cinque Ports. There are no less than eleven confirmations of this charter by succeeding Kings. Charles I. (15th November, 1626) granted the last governing charter, which recites that "Quinborowe" is an ancient borough near the sea, on the shores of which enemies desiring the subversion of the State might easily land, if by the multitude of the King's subjects residing in the borough they should not be resisted. John Butler was the first Mayor under this incorporation. Of the two Bailiffs one was the land and the other the water Bailiff.

Romney—
in Domesday,
Romenel.

ROMNEY—supposed to mean "the Roman's water," navigable, before the inclosure of Romney Marsh, to the foot of Limen Hill and Stutfall.—One of the earliest chartered corporations of the Cinque Ports, and incorporated by the style of Barons (freemen) in the reign of Edward III.; after that by the name of Bailiff, Jurats, and commonalty. In the reign of Elizabeth it was incorporated by the name of the Mayor, Jurats, and commonalty. John Cheesman was the first Mayor, and was appointed by name in this charter, which ratifies and confirms all the privileges conferred by previous Sovereigns from the reign of Edward the Confessor. Under this charter the town is still governed.

Romney
Marsh—
in Domesday,
Mareac de
Romenel.

ROMNEY MARSH.—The charter to the "Judicial" corporation of this district (in contradistinction to the "Drainage" corporation) was granted in 1st Edward IV. (1462), by the name of the Bailiffs, Jurats, and commonalty.

The following preamble to this charter is instructive; like that of Queenborough, it illustrates the state of the district at that time, and the object of the Sovereign in establishing these minor corporations. CHAP. XXVI.

"WHEREAS, we are bound to have regard to the defence of our kingdom of England, and our liege men and subjects everywhere, and especially of those who lie nearest to the first assaults and attacks of our enemies; and considering that divers towns and places situate near the sea have been laid waste by the spoliations and burnings of the said enemies, and on account of the withdrawing therefrom of our liege men for fear of them, the same towns and places are left uninhabited and desolate. Therefore thinking it most necessary that the same be repaired, or others near the same be newly built, and being so built be endowed with liberties and privileges, that being so strengthened, they may be the resort of our people, and made more powerful and strong for the greater defence of the whole country; and considering that in the Marsh of Romney, in the County of Kent, which lies and is situate near the sea, where there is not now so great an abundance of people and inhabitants, or labourers, as there used to be; but if it should be more largely privileged, a greater concourse of people and residence of inhabitants would there ensue, for the greater defence of the whole County of Kent; as by the trustworthy relation of the inhabitants of the Marsh and other adjacent parts, as we have been informed by persons worthy of credit. We, considering the premises, of our special grace, and at the earnest request of the whole Commonalty of the Marsh of Romney, in the County of Kent, for the preservation of the said Marsh and the greater security of the towns adjoining, these presents do give and grant to the inhabitants and residents within the bounds and limits of the said Marsh, that they shall be one body in act and name, and be one perpetual corporate community of one Bailiff and twenty-four Jurats and Commonalty of the Marsh of Romney Marsh, in the County of Kent, for ever. And that the aforesaid Bailiff, Jurats, and Commonalty shall have perpetual succession and they and their successors be called, described, and named by the names of the Bailiff, Jurats, and Commonalty of Romney Marsh, in the County of Kent, for ever."

This Charter was confirmed by various kings, but the liberty is now governed by one of 2 James I., which is in the custody of the Master of the Rolls, under the provisions of an Act passed in 1838, "for keeping safely the public records."

SANDWICH.*—Sandwiche—Wiche, a turning river in a sandy soil. Harris says, "In Saxon times it was called Lundenwic, or the port of London, because it was the

Sandwich—
in Domesday,
Sandwice.

* Sandwich is omitted in Philipott's *Villare Cantianum*.

CHAP. XXVI. place where such as were bound to London from France
 Harria, p. 270. first landed at." Like the other ancient Ports, it would
 appear to have been a corporation by prescription, enjoy-
 ing all the liberties and privileges conferred on these ports
 separately by Edward the Confessor and William the
 Conqueror. The town and port strictly so called are
 confined to three parishes, while the liberties extend over
 several detached places, including the vill of Ramsgate,
 Sarr, Walmer, and Brightlingsea in Essex. Sandwich
 Ante, p. 292. had also at one time a concurrent jurisdiction over Deal.

The only charter which the Corporation possess is one
 granted by Charles II., but it is doubtful whether it was
 ever accepted and acted upon. The Corporation appear to
 have preferred relying on immemorial usage within their
 liberty, and it was styled the Mayor, Jurats, and Com-
 monalty. The office of bailiff, with all the functions of a
 sheriff, appears to have been preserved until the year 1829,
 up to which time the bailiff had the keeping and mainte-
 nance of the gaol out of certain rents and emoluments of
 office; when an act was passed for the erection of a
 new gaol, and the office of bailiff was vested in the Mayor
 and Jurats.

Tenterden—
 not in
Domesday.

TENTERDEN (the only corporate town situate within
 the Weald). Philipott speaks thus of the origin of this
 town :—

"Tenterden," he says, "in the Hundred of Tenterden, had its deno-
 mination, as some vulgar fancies conjecture, from the tenderness of the
 soil adjacent to it; but indeed it was, in elder and more true orthography,
 written Theinwarden, that is, the Thane's or Thein's ward or guard in
 the valley; for it was very probably subservient to that signory or do-
 minion, which the governor of Andredswald (so called by the Saxons,
 but Anderida by the Romans) did exercise and pretend to, in this track
 of the county. Now if you will question where this castle of Anderida
 or Andredswald was placed, I answer, it was upon Reding-hill, not far
 removed from this place, a fortress in those times of eminent value and
 reputation, though since by the multiplied onsets of time upon it, it lies
 forgotten in its own neglected ruins."

By this quotation I do not propose to re-open the con-
 troversy in Chapter VI. respecting the site of the ancient
 Ante, p. 45. city of Anderida. I collect from it that Philipott was of

opinion that there was an ancient castle or fortress near Reading Hill. In support of it, I will here mention that about twelve years ago, Mr. Stephen Judge, while engaged on some deep draining of a field in Tenterden, midway between Reading Hill and Tiffenden, discovered, on a bank which had evidently been raised, a quantity of ashes, and a Roman urn and coins, with some molten lead. Its local position must of itself have made Tenterden a place of importance; and yet, strange to say, while other denes at no great distance are named in charters dated more than two centuries before the Conquest, and even "the half yoke at Tefindene" (Tiffenden, in Halden) adjoining Tenterden, is included in the Survey, no mention is made of Tenterden by that name. The first notice of it which I can trace is near the end of the reign of William Rufus, about thirty-three years after the Conquest, when we meet with the paradoxical tradition that the erection of the noble steeple of the church was the cause of the Goodwin Sands.

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I here give Kilburne's version of it:—

"Goodwin (Earl of this county and father of King Harold) was, at the time of King Edward the Confessor, owner of a great quantity of flat lands in this county (near the Isle of Thanet) defended from the sea by a great wall, which lands afterwards (in the year 1099) were parcell of the possessions of the Abbot of St. Augustine (but reteyned the name of Goodwin, formerly owner thereof), and that Abbot, being then also owner of the Rectory of Tenterden, and having begun the building of this steeple, and the time of year for such purpose being much spent, the thoughts and actions of him and his agents were so set upon the finishing of that work, that they neglected the care of watching and preserving the aforesaid wall, and (3rd of November in that year) the sea broke over, and ruined the same, and drowned the aforesaid lands (overwhelming the same) with a light sand (there still remaining), and the place thereby obteyned the name of Goodwin Sands, and became (as still it is) dreadfull, and dangerous to navigators, and thus (accidentally) this Tenterden steeple is said to be the cause of Goodwin Sands."

p. 262.

Jeake has the following note on the same subject:—

"Tenterden, as a country town, is well stored with gentry, and wants not good land about it, nor goodly structures. The Church* is adorned

Cinque Ports
Charters,
p. 126.

* It would appear that the *steeple* was in course of erection A.D. 462, if the will of Thomas Petlesden, dated in that year, is to be relied

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with a stately steeple, which it seems was built about the time the lands of Earl Godwine were swallowed up by the sea, which are now called Godwine Sands; whence things co-incident, but not depending one upon another, as the effect on the cause, are proverbially made similar thereto. Nevertheless some have thought that several workmen employed to repair the sea-walls and defend the said lands against the rage of the sea, being drawn away and employed about the building of that steeple, occasioned by the want of timely reparations to prevent the inundation of the sea, which once getting in, was never recovered again; and, if so, then it may be said, '*Tenterden steeple was the cause of Goodwin Sands.*'"

Qto. ed.,
Vol. I., p. 487.

Fuller, in his "Worthies," says:—

"When the *vicinage in Kent* met to consult about the inundation of the Goodwyn Sands, and what might be the cause thereof, an old man imputed it to the building of Tenterden steeple, for those sands said he 'were firme lands before that steeple was built, which ever since were overflowed with sea water.' Hereupon, all laughed at his *unlogical* reason, making that the *effect in nature*, which was only the *consequent in time*; not *flowing from*, but *following after* the building of the steeple. *But one story is good until another is heard.* Though this be all whereon this proverb is generally grounded, I met since with a supplement thereunto."

He then informs his readers that time out of mind money was constantly collected out of the county to fence the East banks thereof against the irruption of the sea, which was placed in the hands of the Bishop of Rochester, and because the sea had made no encroachments for many years, he appropriated it to the building of Tenterden steeple, which many people had set their hearts upon. But I should here observe that Tenterden never appears to have been part of the possessions of the See of Rochester; indeed, on the front of the steeple, and also on a beam over the altar, were the arms of St. Augustine's monastery. Again, what could the Bishop of Rochester have to do with the sea in *East Kent*?

Lambarde, after referring to the inundation of the sea in Flanders and the neighbouring low countries, towards the end of the reign of William Rufus or the beginning of the reign of Henry I., says the like harm was done in sundry parts of England and Scotland, when this place

G. Sandys'
Notes on
Ovid's Met.
p. 232.

Hasted,
fol. ed.,
Vol. III.,
Note (u)
p. 100.

on; for he ordered his body to be buried in the chancel of St. Catherine, and bequeathed 100 marks to the steeple here to be paid out of his land *as long as it was a masonry.*—Hasted, Vol. III., fol. ed., p. 100.

(the Goodwin Sands) was violently overwhelmed with a light sand, CHAP. XXVI.

"Wherewith it not only remaineth covered over since, but is become withall a most dreadful gulf and ship swallower, sometime passable by foot and sometime laid under water, so as it may be said either sea or land."

The Goodwin Sands.

But he in no way connects this inundation, that I remember, with Tenterden steeple.

Twine says the ancient name of the place was Lomea, and that it was once an island, and was very fertile and abounding with pasturage.

De rebus Albion, p. 27.

Somner, after telling us that all the "elder sort" of writers who preceded Twine and Lambarde are silent on the point, and expressing the opinions entertained by these two writers, proceeds:—

Ports and Forts, p. 21.

"Notwithstanding which, that it ever was other than what it is at present; that at least it was till that inundation such a piece of firm and fertile ground as Twine in his description of it avoucheth, or that ever it was Earl Goodwyn's patrimony, and took name from him, I dare confidently deny; and that with warrant enough I trow from hence alone, that in the Conquerour's Survey * * * there is not any mention made, or the least notice taken of such an island. And as not there, so not elsewhere (in any author whether foreign or domestic, of any antiquity, that ever I could meet with) doth it occur: whereas both of Sheppy, Thanet, &c. (other Kentish islands) there is frequent mention, both in Domesday-Book, and in many of our English historians, as well elder as later. * * *

"And as for that argument (much insisted on by the most) drawn from the name of Goodwyn Sands, it may (as I conceive) receive this answer, that probably it is not the true, genuine, ancient, and original name, but rather a corruption of the right name contracted and caused by that grand corruption as well of names as things, time. Yet what the true and right original name was I cannot possibly say, nor am scarce willing to conjecture, lest I seem to some too bold. But when I consider the condition, nature, and quality of the place in hand; the soil, or rather the sand, which is both *lentum* and *tenax*, soft and pliant, and yet tenacious and retentive withal; I am almost persuaded it might take the name from the British *Grydn* so signifying, which in tract of time much the easier, and rather corrupted into Goodwyn, because of a Kentish Earl of that name a little before the Norman Conquest. A conjecture in my judgment much favoured by the name given it by Twine (from what authority it appears not) *Lomea*, which (though not in sound yet in sense) seems in some sort to answer the British *Grydn*, as coming probably of the Saxon *lam*, whence our modern English *lome*, as that I conceive of the Latine *limus*, slime, mud, &c. * * *

"Instead, then, of the overwhelming this place (formerly supposed an

CHAP. XXVI.
The Goodwin
Sands.

island and a part of Earl Goodwyn's possessions: by that inundation of the sea in or about William the Second or Henry the First's time, whereunto the loss of it is of some (as we have seen) ascribed; more probably it seems to others that (on the contrary) this inundation being so violent and great, as to drown a great part of Flanders and the Low Countries, was and gave the occasion of the place's first emergency, by laying and leaving that, which formerly was always wet and under water, for the most part dry and above water. Or if happily that one inundation did it not alone, yet might it give such a good essay to it, and lay so fair a beginning of it, as was afterwards perfected and completed by following irruptions of that kind. . . .

"That this (the emergency of what we call the Goodwyn) was the product and consequence of those inundations, that at least a probable conjecture may hence be grounded of its emergency by this means, they thus make out. This shelf (the Goodwyn) although it were a kind of shallow lying between the English and the Flemish coast, yet until so much of the water found a vent and outlet into the neighbouring parts of Flanders and the Low Countries, was always so far under water, as it never lay dry, but had such a high sea running over it, as it no way endangered the navigator; the sea or channel being as safely passable and navigable there as elsewhere. But so much of the water betwixt us and them having forsaken its wonted and ordinary current and confines, and gained so much more elbow-room and evacuation into those drowned parts on the other side, (the sea usually losing in one place what it gains in another) this shelf (the Goodwyn) from thenceforth, for want of that store of water which formerly overlayd it, became, (what it is) a kind of *arida*, a sand-plott, deserted of that water's surface in which it was formerly immersed.

"This (for ought I perceive) is probable enough, and hath nothing that I can see, to oppose or controul it, but the name (the Goodwyn), which indeed cannot consist with so late an emergency, whether by the Goodwyn we understand the Earl sometime so called, or the British word or epithet for soil or ground of that tenacious sort and temper. Not knowing therefore what to reply, I shall leave it *in medio*, not daring to determine either way, as being a research of so much difficulty, as I foresee, when all is done, must be left to conjecture, which may prove as various as the readers."

p. 311.

Dr. Harris, after quoting Somner, says he cannot agree with Kilburne, and other writers, as to the origin of the proverb, "Tenterden steeple was the cause of the Goodwin Sands;" and he thus proceeds:—

"I think no one that sees it (A.D. 1719) will conclude that the tower itself is of so ancient a date; it must therefore pass as it hath done for an extravagant saying, which perhaps was only brought in to expose some forced consequence in reasoning, by which a man might say, '*You may as well tell me that the building of Tenterden steeple was the cause of the Goodwin Sands, as that your conclusion can be inferred from those premises.*'"

Shakespeare alludes to the Goodwin Sands, but not to Tenterden steeple. He makes Salarino say, CHAP. XXVI.
The Goodwin Sands.

"Antonio hath a ship of rich lading wrecked on the narrow seas, the Goodwins I think they call the place; a very dangerous flat, and fatal; where the carcasses of many a tall ship lie buried."—*Merchant of Venice*, Act III., Scene 1.

Mr. Pearson (the latest writer on the subject) says:—

"The Goodwin Sands, from the legend of their formation, seem to have been first remarked about the end of the eleventh century, and were probably formed by back currents gradually depositing sand about a shoal." Historical Maps, 1st Ed., p. 2.

In a note, he tells us that he is indebted to Mr. Taylor, the author of "Words and Places," for this suggestion, and proceeds:—

"There are difficulties about accepting Twine's statement, that the Goodwin Sands were anciently an island called Lomea, which was destroyed by a storm; and I am inclined to think that Somner's derivation of Lomea, as Loam Island, and Goodwin as a corruption of *Gicydn riseid*, are not unnatural."

In the same work, under "Anglica Monastica," after describing Godwin as "the enemy of the Church of Canterbury," on the authority of Eadmer, who accuses him of taking the vill of Folkestone from Christ Church, and Plumstead from St. Augustine, Canterbury, Mr. Pearson proceeds:— Ib., 59.

"The tradition that the Goodwin Sands are the remains of an island which Godwin wrested from the church, seems to me, I confess, very doubtful. First, because there is no mention of such an island in the Domesday Survey, or any previous record or writer; and next, because I cannot discover that Godwin had any property in the immediate neighbourhood, though his daughter Edith had a farm of the King's on the coast opposite. Dr. Guest, however, accepts the statement of Brian Twine that there was such an island, and that it was called Lomea. Anyhow, the story proves that it seemed natural to the country people, among whom it grew up to connect an act of spoliation with Godwin's name."

The reader has now before him all the information I have been enabled to collect on this controverted subject, and he will not I think have much difficulty in forming his own opinion.

Tenterden is referred to by Kilburne as part of the possessions of the Abbot and convent of St. Augustine, and

CHAP. XXVI. the erection of a church in this Hundred, at this time, denotes a growing population.

Tenterden.

If the reader will turn to the Map No. 3, he will find that, with the exception of Plumstead and Lenham, all the Kentish possessions of the monastery of St. Augustine, including Eoting in Plumley, Bipton in Ashford, Kennington, Burmarsh, &c., were in the eastern part of the county, so that the denes in the vicinity of Tenterden must have originally supplied the pannage for some of the outlying manors.

The Hundred of Tenterden was originally divided into six boroughs, and a borougher presided over each of them: two in the present town, viz., Town-borough and Castweasle, Shrubeote which has several ancient houses in it, Boresile a hamlet about a mile distant from the church, Dumborne which includes Smallhythe and a locality known as "broad Tenterden", and the sixth, Reading, situate in Ebony, about three miles from the town.

Smallhythe (a small port or haven for ships) is on the southern extremity of Tenterden, also about three miles from the town, close to the river Rother. The sea came up to this place so lately as the year 1509, as a faculty was granted to bury, in the ancient chapel yard there, the bodies of those who were cast by shipwreck on the sea shore, "*infra predictum oppidum de Smallhythe*."†

Tenterden was originally incorporated, according to Kilburne, who gives no date, by the name of the Barons (freemen) of the town and hundred. In the 27th Henry VI. (1449), in consequence of the impoverishment of the town and port of Rye, Tenterden was annexed to it. According to Harris, it was then governed by a Portreeve or Bailiff, until 43rd of Queen Elizabeth (1601), and

* Tenterden is returned in the Taxation of Pope Nicholas IV., A.D. 1291, as possessing a church.

† The hamlet of Smallhythe is an ecclesiastical one. The chapel has been recently made a separate district chapelry, by the name of St. John the Baptist; the chaplain (now incumbent) has always been elected by the inhabitants of Dumborne borough.

“then made a Mayor town;” and he quotes Kilburne as his authority, but Kilburne does not mention the year. CHAP. XXVI.
Tenterden.

Tenterden, says Philipott, was governed by a “Portreeve or Bayley” from the 36th of Henry VI. (1458) until the 43rd of Elizabeth (1601), “when that princess ordered it to be governed by a Mayor and Jurats, and so it hath ever since continued.”

There is some confusion in these dates. The only charter which this corporation now possesses was no doubt granted by Queen Elizabeth, and is dated 16th of August, in the 42nd year of her reign (1600). It states that the town and hundred had of ancient time been a town incorporate, annexed to the town and port of Rye, and that the Bailiff and Commons had supplicated the Queen to incorporate them by the name of the Mayor, Jurats, and Commons of the town and hundred. It then appoints a Mayor and twelve Jurats, and provides for the future election of these officers. The charter contained a grant of a market and fair: the corporation were empowered to hold a court of record, to have a gaol and view of frankpledge. They were to be considered “barons of the Cinque Ports,” and the Mayor was to be the coroner. There is a saving of the rights of the Archbishop. William III. granted an exemplification of this charter. John Hales was elected the first Mayor. The Court Hall was destroyed by fire, March 19th, 1660; thus we have no doubt lost much valuable information connected with the early history of the town and the Weald. Hasted, speaking of this fire, says the Hall was burned down by some prisoners confined in the prison over it; and adds, that in his day the election of Mayor took place under one of the great old oaks on the other side of the street, and not far from the spot where the Hall stood. All this was certainly quite characteristic of the district.

THE CINQUE PORTS.—At the commencement of Chapter XXIII. I have referred to the origin of these ports. In this chapter I have noticed the separate charters granted to such of them and their members as are situate in Kent. We will now speak of the ports as a *body corporate*. The Cinque
Ports.

The *Writ of Habeas*

1171 The most curious which they are supposed to possess
is one of Edward I. and this refers to their privileges in
the time of Edward the Confessor and William I. ac-
cording to the writ, which Edward I. sends to
his just. The Municipal Corporation Commissioners
wrote that the charters all relating to the Cinque Ports
were sent to London, which was not stated as the
Corporation refused all assistance to the Commission, and
the commissions were equally misused in asking from
feudal lords assistance in the disfranchisement of the town
by the Statute Act. The Commission, it would seem,
mainly failed in the preparation of their report on the
evidence given before a committee of the House of Com-
mons, and Mr. Jeake's work.

1172 The first mention of *Magna* in the Cinque Ports
Charter is to be found in the reign of Edward III. The
only charter in which the ports and their members are
enumerated is that of Charles II. in which they are
placed in the following order:—

Hastings, New Romney otherwise Roperne, Hythe,
Dover, and Sandwich: as the five head ports. Next Rye
and Winchelsea, as the ancient towns. Then the members:
Pevensey, Seaford, Bulverhithe, Petit Ham (the site of
the modern Winchelsea), and Hidney (Pevensey or
Hastings?), in Sussex, and Beakesbourne,* and Grange
otherwise Grenche, in Kent, will be found members of
Hastings.

* I still think that the privileges of the original ports were acquired
by *prescription*, that is, by use and time, confirmed by law. Thus I
submit that no great dependence is to be placed on these "insuperable"
clauses, as the charters themselves are not set out. Jeake confirms this;
vide his note on "*Time out of Mind*," p. 121.

† This order, I imagine, does not refer to any official precedence, but
merely to the position of the Ports from west to east.

‡ Beakesbourne was, in Saxon times, called Livingsborne, from a small
stream running through it. It is situate about three miles on the east of
Canterbury, and became the property of a family named Beke, in the
reign of Henry III., which occasioned a change in the name of the place.
It was held by grand serjeanty (a service that could only be rendered to
the King), viz., finding one ship for the King when he passed the seas.

The Grange is a manor situate in Gillingham next Chatham, com-
prising about 120 acres. The owner, according to Hasted, had to provide
Hastings with one ship and two able men; but Philipott says that, in
p. 22.

Broomhill (partly in Sussex), Lydd, Old Romney, Denge-marsh, Oswaldstone or Orwelstone [near to Lydd] in Kent, as members of New Romney, otherwise Romene. CHAP. XXVI.
The Cinque Ports.

West Hythe, as member if not *then* part of Hythe.

Folkestone, Faversham, Margate, St. John's, Goresend, Birchington Wood (otherwise Woodchurch), St. Peter's (Thanet), Kingsdown, and Ringwould, as members of Dover.

Fordwich, Deal, Walmer, Ramsgate, Sarr, Stonar, in Kent, and Brightlingsea, in Essex, as members of Sandwich; and Tenterden, as member of Rye.

In return for their valuable privileges the Cinque Ports, by the charter of Edward I., had to provide at their own cost fifty-seven ships for the use of the sovereign, in certain specified proportions, fully equipped; the period of service was limited to fifteen days, but they were frequently employed at the king's charge after it had expired.

The fishermen of these ports resorted to Yarmouth during the herring season, and I have noticed the charter of Edward I. (printed Edward II. by mistake), and the ordinances for landing their fish and drying their nets, which appear to have been of such importance that the Cinque Ports appointed bailiffs who, with the bailiff of Yarmouth, determined all disputes during the fishing season, and were the conservators of the peace; the bailiffs of Yarmouth having "prenomination," or official precedence, one year, and the Ports' bailiffs the next.*

Ante,
pp. 87, 88.

the Conqueror's time, it appertained to the old lords called Hastings, and that, according to some more modern records, it was held of the King, and not of the Cinque Ports, and had to find two men and two oars in the ship which carries over the King from Dover to Whitland, by Calais. The Port of Hastings certainly could not hold either Beakesbourne or Grange by serjeanty. Both are situate in another county, and more than forty miles from Hastings. The services rendered to the Port appear quite distinct from those claimed by the Sovereign. Hastings no doubt formerly exercised civil jurisdiction over Beakesbourne as well as Grange.

* Affrays were of constant occurrence between the men of Yarmouth and the men of the Cinque Ports, during these periodical visits, and the Sovereign was often appealed to for redress. On one occasion, a Cinque Port Pailiff was killed by a Yarmouth Bailiff, for which the latter was hanged; and to mark the offence, tradition says that Yarmouth had to render annually a certain number of herrings to Windsor Castle.

Jeake, p. 12.

CHAP. XXVI.

The Cinque Ports.

Jeake, p. 22.

Shepway (sometimes written Shipway, which Hasted says is correct) gives the name since the Conquest to one of the five existing laths: it is not met with in Domesday. The Lath was then usually called Limowart-lest. It acquired the name of Shipway, it is supposed, because "it lay in the way to the haven where ships were wont to ride," which haven Talbot took to be Lympne. There is a spot in Lympne still known as Shipway Cross, where the business of the ports, tradition says, was transacted. If so, here it was that Prince Edward, while Lord Warden of the Ports, A.D. 1265, exacted from the barons the oath of fidelity to his father, Henry III.

The Cinque Ports possessed their own Courts, presided over by the Lord Warden and his officers, which extended even to proceedings in Chancery. The Lord Warden's Court of Admiralty still exists, and the Courts of Brotherhood and Brotherhood and Guestling (peculiar to the Ports) are still preserved which continue to regulate the internal affairs of the existing body corporate; they act independently of the Lord Warden, and these courts have not of late been held at Romney, but at the most central point.*

Ante, p. 271.

Most of the many and great privileges the ports enjoyed for the services they had to render have become obsolete or have been abolished. I need not, therefore, enumerate them. I will only notice one peculiar to the district. We have seen that the unappropriated or waste lands belonged to the Sovereign; this did not extend to Romney Marsh, once covered by the sea, for the King had no waste here. By prescription confirmed by charter the first inhabitants and settlers in the district had power to take possession of the waste lands and make walls and embank against the sea. This extended not only over all the waste but even to private and enclosed lands. It would seem that in process of time this privilege was transferred to, and is now possessed by, the "drainage" corporation of Romney,

* Henry Brooke, Lord Cobham, was sworn in at Beakesbourne, A.D. 1597 (Jeake, p. 92). The oath is administered at a "court of Shepway."

who make compensation for any injury done to the owner by the exercise of their powers. CHAP. XXVI.

Thus much of the origin of the corporate cities and towns of Kent. I will only add that though Dover, Canterbury, and Rochester, are the first three places referred to in Domesday, they are not described in the body of it as belonging to the King; we have, therefore, no proof that they were at this time held by him.* Still, the subsequent practice of substituting the Norman Bailiff selected by the Sovereign, for the Saxon Reeve elected by the municipality, became almost universal.

Madox, the great authority on this subject, tells us that all cities, towns, and burghs, were, in ancient times, vested either in the Crown or else in the clergy or great men of the laity; and those which were in the hands of the king were usually let by him to the townsmen, and constituted what was known as burgage tenure. To these rents were added the tolls arising from markets, fairs, and other perquisites; for the smaller tradesmen, and men of humble condition travelled through the country, like our modern hawkers and pedlars, and paid a small tax (now collected by the State as an Excise licence)† for passing through certain manors and over certain bridges, and for erecting a booth or a stall at a market or fair. These impositions were called passage, pontage, lastage, and stallage. Exemption was sometimes granted by the king or lord who claimed them, by a substitution of certain annual payments, until at length all the rents and tolls which were paid by the burgesses of an entire town, being estimated together, were let to farm sometimes to the sheriff of the county, or to other persons; and as they became annual and certain, they were called rents of assize, or *first* rents, in opposition to *redditus mobilis*, or arbitrary exactions.

This farming out of the Bailiwicks to the highest bidder,

* Under Dover, in Domesday, the *Præpositus regis*, or King's reeve, is mentioned.—*Larking*, p. 93.

† The officials of Saxon and Norman Sovereigns were just as keen in devising and levying tolls and taxes, as any of our modern Chancellors of the Exchequer.

CHAP. XXVI. so constantly resorted to by the first Norman Kings, produced an intolerable grievance. In lieu of their own countrymen and fellow-townsmen, the inhabitants of the shire, and burgesses of the towns, were placed under the surveillance, and subject to the exactions of officers, who were alien to them in race, in language, and in feeling, and regardless of the interests of the community over which they presided.

Having brought down our history to the time when Bailiffs* first became all-powerful in Kent, I will, in the next chapter, introduce this officer as the chief over "the Seven Hundreds" in the Weald—a court established for the civil government of the reclaimed portions of this district.

* The *Old Bailey*, from *ballium* or *rallum*—an open space between the advanced gate of the city or town and the line of the outer wall. York, Oxford, Sheffield, and Radnor have their Bayle, Bailey, and Bailey Hill. A Bailiff was originally the Bayle-reeve, or officer in charge of the ballium, just as the Sheriff is the Shire-reeve. A bail is etymologically a palisade. Thus the bails at cricket were originally the stumps.—See Knapp, *English Roots*, p. 79—81, quoted in Taylor's "Words and Places," p. 274. Folkestone appears to have had its Bayle; the name is still preserved.

CHAPTER XXVII.

"THE SEVEN HUNDREDS" IN THE WEALD.

I CANNOT find that any of our historians have recorded the *origin* of this union of Hundreds. Hasted briefly tells us that "the seven Hundreds were so connected from their being comprehended under the jurisdiction of one Court, held within some part of them, and to which the whole district was amenable, and that they had been from ancient time part of the possessions of the Crown, and kept in the Sovereign's own hands."

CHAP. XXVII.
Vol. III.,
fol. ed., p. 44.

The Hundreds originally constituting this district, were:—

BARKLEY.	CRANBROOK.
BARNFIELD.	ROLVENDEN.
BLACKBORNE.	SELBRITTENDEN.
TENTERDEN.*	

The latest of our writers (Mr. Larking) does not mention them either in his notes or appendix, but at the end of the work he adds: "An Index to Hundreds, Manors, &c., with reference to Hasted." In this will be found the following references:—

"Seven Hundreds always in the Crown, viz., Hundreds of Cranbrook, Barkley, Blackborne, Tenterden, Rolvenden, Selbrittenen, Broomfield."†

"Cranbrook not in Domesday, probably in the paramount of seven Hundreds."

"Frithenden, not in Domesday, Hundreds Paramount."

* Tenterden, as already stated, was in the reign of Henry VI. withdrawn from this union and added to the Cinque Ports.

† "Broomfield" must have been a misprint, as it was never one of the seven Hundreds. Barnfield is no doubt intended.

- CHAP. XXVII. "Rolvenden, not in Domesday,* (in jurisdiction of seven Hundreds)."
 "Shadoxhurst, seven Hundreds Paramount."
 "Staplehurst not in Domesday (probably seven Hundreds Paramount)."
 "Tenterden not in Domesday (in seven Hundreds)."
 "Woodchurch not in Domesday (seven Hundreds, Appledore, and Wye, *all* have jurisdiction)."

From these quotations, is it to be inferred that Mr. Larking was of opinion that the extensive district known as "the seven Hundreds" was so united at the time of the Conquest? If so, how could he have arrived at this conclusion? The Survey contains no reference to such a court, jurisdiction, or union; but more than this, we do not even find in it any mention made of four out of the seven Hundreds, viz.:—Cranbrook, Barkley, Barnfield, and Tenterden. Of the remaining three (Blackborne, Rolvenden, and Selbritten), the Hundred of Blackborne is referred to on six occasions, five of them in describing the possessions of Hugh de Montfort, and the sixth in the return for Appledore, which was held by the See of Canterbury. Rolvenden is only mentioned twice, once in describing Benenden held by Simon de Montfort, and on another occasion in the return for Belice, which appears to have been a small outlying dene included in the Hundred of Rolvenden and held with Bircholt;† and Selbritten is mentioned once in describing Newenden belonging to the See of Canterbury.

All this induces me to believe that the formation and grouping of these Hundreds did not take place until *after* the Conquest. At the same time the reader must not be misled by the Maps 2 and 3 which precede this chapter, and suppose that because he finds a nameless tract of country covering more than one fourth of the shire, the whole of it was unreclaimed, uninhabited, and nameless at the time of the Conquest. The axe and plough had

Larking,
pp. 122, 136.

* This is incorrect. It is mentioned in Domesday as the Hundred to Benenden, and to a dene, "Belice" appertaining to Bircholt.

† I have stated at the commencement of Chap. XXII. that Bircholt is spelt five different ways in Domesday. I should have said six, as I find I omitted *Belice*, which is also clearly intended for Bircholt.

been long at work before that date, and large portions of what once formed the shire forest or public wood of the county had been already enclosed, and consisted of denes to which names had long been given.* The maps merely profess to record the "manors" and possessions which then existed in that locality. CHAP. XXVII.

I incline to think that some of the denes in the Weald had at the time of the Survey been formed into burhs (boroughs) if not into hundreds. The Sovereign could no doubt create additional hundreds, and if he had not previously parted with the fee, he might consolidate them.

If the reader has followed me, he will have remarked that the greater part of the possessions granted by the Conqueror to Hugh de Montfort, were situate in and about the Weald; he was therefore interested in the welfare and tranquillity of the district, and it was of the first importance to the King and his Norman followers that the rigorous laws which had been introduced for the government of other parts of the shire, should be extended to the Weald; in short, that such portions of it as might have consisted at this time of boroughs, but had not been formed into Hundreds, might be so united, whereby a better surety and pledge for the peace, order, and protection of a thinly scattered and rude population, might be obtained.

Looking also at the extent of the Weald still unreclaimed, the wretched approaches to it, and the tracks through it, it was of equal importance that such a court might be formed, which, though subsidiary to the chief one at Penenden Heath, would bring justice home to the doors of the inhabitants. The Sovereign, therefore, as Lord paramount, and with a view to uphold his own rights and those dependent upon him, established the Court of the seven Hundreds, and appointed a Bailiff over them, which name confirms my impression that it was an Anglo-Norman institution. I am further strengthened in this opinion by a remark of the late Mr. Kemble, who

*Sax. in Eng.,
Vol. I., p. 253.*

* I hope to be able to supply a list of the greater part, if not of all of these denes and their situations hereafter.

CHAP. XXVII. says that "at a comparatively late period we occasionally find a consolidation of Hundreds into one body for judicial purposes, a proceeding not unusual with great civil or ecclesiastical authorities." The Conqueror's son, Henry I., appears to have recognized such a jurisdiction, for in his Laws, xlviii., § 2, I find, "*Si totus comitatus vel vii. Hundreta super aliquibus implacitentur*," &c.

Thorpe's
Ancient Laws
of England,
Vol. I., p. 546.

It is rather remarkable that the earliest existing *Quo warranto roll* for the county of Kent, (25 Hen. III., 1241), commences with "The seven Hundreds of the Wealds" — (*De Waldis*).

One of the first acts of Edward I. on his return to England after the death of his father, was to continue an enquiry which Henry III. had originated into the rights and revenues of the Sovereign, and the conduct of the sheriffs, bailiffs, and other officers who had defrauded the Crown and oppressed the people, which led to the compilation of the Hundred Rolls for Kent and other counties (3 Edward I., 1274), and will be further noticed hereafter. I will refer herè only to such portions of it as relate to the subject of this chapter. It records that, during the previous reign (Henry III.), William de Casingham (sometimes written Kasingham) held "the Seven Hundreds" for forty years at fee farm for 100s. On his death, Reginald de Cobbeham (the Sheriff) set them to farm for £10. After the battle of Evesham (August 4th, 1265), Roger de Leyburn held them at the rent of 100s.—a reduction no doubt occasioned by the Barons' war. This rent was collected and paid by the Sheriff into the Exchequer. Roger de Benynden is returned as the Bailiff, and Hugh de Wy as the Clerk. Stephen de Peneshurst held them at the time the Hundred Roll was in preparation and let them for £10, payable at the Castle of Dover in support of its defence. The Hundred of Cranbrook appears to have paid one-fourth of the entire rent. We find Walter Colepeper was the Bailiff in the reign of Edward II.*

Hasted,
Vol. III.,
fol. ed., p. 44.

Martin's Leeds
Castle, p. 160.

* He was put to an ignominious death, at Leeds Castle, as an adherent of the "rich Lord Badlesmere."

To prove that the district of the Seven Hundreds formed a distinct jurisdiction up to the reign of Richard II., and with the Lowy of Tunbridge was *not* included in either of the existing laths, I will refer to one of the earliest appointments of Justices of the Peace for Kent, premising that the first statute on this subject is that of 1st Edward III., c. 16 (1327), which provides that in every county good men and lawful shall be assigned to keep the peace. This was followed by another Act in the same reign (18th Edward III., c. 2), which enacts that two or three of the best reputation in the counties should be assigned keepers of the peace by the King's Commission, "to inflict punishment reasonably according to the law and reason and the manner of the deed." Now, in the following reign it will be seen that two separate appointments of Justices is made. In one of them the Laths of *Sherwinhope*, written in various ways (now Scray), Shipway, and St. Augustine, are included *with the Seven Hundreds* by name, while in the other the appointment is for the Laths of Aylesford and Sutton, *and the Lowy of Tunbridge*, by name.

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Mr. Sandys, in his *Consuetudines Kancie*, remarks that we learn from these records that two separate Commissions were granted for East and West Kent. This is not so. There is no mention of East and West Kent on the Patent Roll. p. 71.

The entry, translated, runs thus:—

"Appointment of Edward, Earl of Cambridge, constable of Dover Castle, John de Cobham, Rob. Bealknap, and twelve others, viz., Stephen de Valence, Henry Asty, William Horn, Thomas de Shardelowe, William Toplyve, Thomas Carwenton [Wells], Nicholas Heryug, William Tytecombe, William Makenade, John Fraunceys, Thomas Harcherugge, John Brode, of Smeethe; as justices of the peace, in the laths of Shewynghope, Shypweye, St. Augustine's, and the *seven Hundreds*, in co. Kent; *allowing the commonalty of Canterbury to receive the amerciements and profits of the sessions for five years for the repair of the walls.*—Dated at Westminster, 1st April [1378]."

Under the same date we have an appointment of the same three with some slight change in the remaining eight others, viz. :—

CHAP. XXVII. "Thomas Colepeper, Henry Asty, John Tretugingham, James de Peckham, Thomas Shardelowe, William Topclyve, Nicholas Heryug, William Macknade, as Justices in the lasts of Aylesford [and] Sutton, and the Lowy of Tonbrugge, Kent, as well within liberties as without." Patent Roll, 1 Ric. II., Part 1, mem. 20.

Here we have, I submit, ample evidence that the Lowy of Tunbridge and the seven Hundreds, originally parts of the common forest or weald, did not, so late as the fourteenth century, form part of either of these five laths.

Pursuing the history of the seven Hundreds, we find that King Henry VIII. appointed the great Sir Thomas Cheyney,* who was the treasurer of his household, governor over the seven Hundreds and adjoining districts in case of war, for the term of his life; and empowered him to put twenty of the inhabitants into liveries.† The appointment runs thus:—

"The King to all, &c., greeting. Know ye that we have given and granted, to our well-beloved councillor Thomas Cheyney Knight, this liberty, that he during his life, by himself or by his sufficient deputies, shall be allowed to have the conduct [leadership] and rule of all able men at war, as well of those who now as of those who in future shall dwell within the *seven Hundreds* of our county of Kent, and in the *parishes* of Tenterden, Gowerst, [and] Stapleherst, in the same county; and within the Isle of Oxney, in the county aforesaid,‡ as well within liberties as without, for the purpose of serving us in time of war; and moreover we

* Sir Thomas Cheyney lived under the sunshine and favour of four Sovereigns, Henry VIII., Edward VI., Queen Mary, and Queen Elizabeth, and acquired possessions in Kent almost as vast as Odo. After residing at Chillham Castle, he removed to a mansion or castle which he had built at Shurland, in Eastchurch, in the Isle of Sheppy; and the greater part of the Island belonged to him. He was K. G., Sheriff of Kent, Lord Warden of the Cinque Ports, Constable of Dover Castle, Constable of Queenborough, Constable of the Castle of Saltwood, High Steward of the manors of Aldington and Chilham, and Bailiff of the woods there; Keeper of the parks at Ostenhanger (Westenhanger), Saltwood and Aldington, and Gamekeeper of Lyminge Park. His remains lie under a stately tomb at Minster, in Sheppy. His son was created Lord Cheyney in the reign of Elizabeth, but so soon dissipated all these possessions, that he acquired the name of "the extravagant Lord Cheyney."

† The persons who received such liveries from a great man were usually ready to espouse his cause in all cases; and to repress the disorders that were thus but too often occasioned, several statutes were from time to time passed.

‡ The reader will observe that the term *parishes* is here used. Tenterden at this time had been transferred from the seven Hundreds to Rye, and parts only of Goudhurst and Staplehurst were in the seven Hundreds. They, and the Isle of Oxney, were therefore specially named.

give to the same Thomas this liberty, that he during his life, at his pleasure, may from time to time with impunity give twenty liveries of woollen cloth to any twenty men whomsoever that shall be willing to receive the same liveries from him, for the purpose of serving the same Thomas; provided that they be not bailiffs of the same Thomas; and also provided that they be not at the time retainers of the same Thomas, to serve him in his household or otherwise.—Witness the King at Walden, 31st March, 1540.”*

CHAP. XXVII.

The memorable massacre on St. Bartholomew's Day took place at Paris on the 24th of August, 1572, and there was a strong impression that it was meant to be followed up by an attack on England. Queen Elizabeth therefore fortified Portsmouth, put her fleet in order, and caused returns to be made of all her available forces. A return in the Public Record Office enables us to describe the military strength of “The seven Hundreds” on this occasion, as well as to form some estimate of the increase of the population of the district at this time : †—

“The Certificate of the Musters of the seven Hundreds, viz., Cranebroke, Barkeley, Blackebourn, Marden, Selbrickenden, Rolvynden, and Greate Barnfeld, taken in September, 1572.‡

Able men within the said Hundreds	1220
Whereof Demi-lances (1), 2; Light Horsemen (2), 21	23
Footmen—	
Archers	150
Harquebuziers	200
Pikemen	56
Billmen	791
	1197
ARMOUR AS FOLLOWETH :—	WEAPONS AS FOLLOWETH :—
Harness for Demi-lances 2	Staves for demi-lances 2
Corselets (3) and jacks (4) for light horsemen 18	Staves for light horsemen 14
Corselets for footmen 105	Bows 231
Almain rivets, (5) coats of plate, and jacks 110	Sheaves of arrows 231
Morions and sallets (6) 180	Calivers, Coriers (3), and Harquebutts (7) 220
Steel caps and sculls 163	Pikes 107
	Bills and Halberts 250

* Patent Roll, 31st Henry VIII., part 5, membrane 41.
 † State Papers—Domestic, Elizabeth, Vol. 89, No. 18.
 ‡ Some of the terms of this document may perhaps require explanation. (1) Heavily armed horsemen carrying spears. (2) Light horsemen mainly used their swords, as neither class then had fire-arms. (3) (Corselets and Coriers) Back and breast plates. (4) Light suits of defence for the body only. (5) Rivets moving in a groove, and so allowing the overlapping plates of the armour to slide up and down within certain

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CAPTAINS OF THE SAID HUNDREDS:—

Cranbrooke Hundred—Richard Brickenden, John Webbe, and Peter Courtopp.

Barkeley Hundred—John Mylles and George Ramsden.

Blackebourn Hundred—Robert Wyse, gent., and Steven Skott.

Marden Hundred—George Maplesden and Thomas Batherst.

Selbrickenden Hundred—George Skott, gent.

Rolvrynden Hundred—Henry Gybbon and Alexander Love.

Greate Barnfeld Hundred—Edward Hunnye, gent., and Peter Woodgate.

Captains appointed for the leading of 300 men a-piece—Martin Harlackenden, Esquire, and Richard Boys, gent.

R. BAKERE, WALTER ROBERTS."

Of late years the office of Bailiff of the Seven Hundreds has been held by the owners of Hemsted, in Benenden. The father of the late Thomas Law Hodges, M.P., purchased, in 1817, the *fee* of the remaining six Hundreds from the Commissioners of His Majesty's Woods, Forest, and Land Revenues, for £1010, by the description of

"All those the Hundreds of Cranbrook, Barkley, Blackbourne, Selbritten, Rolvenden, and Great Barnfield, parcel of the seven Hundreds within the lath of *Shevinghope*, in the said county, with the rights thereof, and all chief rents, common fine money, Sheriff's ayde money, or tithing or silver to the same belonging or appertaining. Also the offices of Steward and Bailiff of the said Hundreds, and all courts leet and three weeks' court, Courts Baron, views of frankpledge, sheriffs' turns, fines, issues, and amerciaments of the said Courts; penalties, forfeitures, goods and chattels of felons, fugitives and condemned persons, waifs, strays, deodands, hawking, hunting, fowling, fishing profits, commodities, advantages, and emoluments, rights, and royalties to the said Hundreds belonging (except and always reserved to His Majesty, his heirs and successors, the execution of all writs, processes, precepts, summonses, arrests, warrants, attachments, and Commissions within the

limits to the greater ease of the wearer; they were the invention of the German armourers, and hence their name, from Almain or Germany. (6) Morions and salades (here called *sallets*) were head pieces, lighter and cheaper than the knightly helmets, which had a moveable chin-piece (or *mentonniere*) to cover the face in battle. (7) The original of our present musket. It was large and heavy, but about the time of this inventory it was beginning to give way to the caliver, a much lighter gun, and which besides had the bore of the barrel of a determined calibre (hence the corrupt name), so that the common stock of bullets might fit every piece in a regiment. This gave greater efficiency, and hence the "caliver men" became a distinct body from the rest of the infantry.—*Heritt's Ancient Arms and Armour*, Vol. III., page 674. In an old recruiting song of the time of Elizabeth, they are thus separately mentioned:

"Ye musket and caliver men come hasten unto me;

I'll be the foremost in the fight, cries brave Lord Willoughby."

said Hundreds, and all fines, amerciements, and issues arising in any of His Majesty's Courts of Record, at the Assizes or Sessions; or accruing to the Clerk of the Markets, and the liberty of levying and collecting the same), which said Hundreds and premises were part or parcel of the possessions or land revenue of the Crown within the ordering and survey of the Exchequer, and were last demised by letters patent under the Seal of the Court of Exchequer of his late Majesty King George II., dated the 8th day of May, 1730, to Sir John Norris, Bart., since deceased." CHAP. XXVII.

Tenterden, as we have seen, was severed from this union in the reign of Henry VI., from which time there were only six Hundreds left. The reader will have observed that they are described as situate within the lath of Shewinghope. In 1817 there was no such lath, Scray had been substituted for it; while neither the lath of Shewinghope nor the lath of Scray is to be met with in Domesday Survey. Indeed, I have already stated that, irrespective of its borders, no part of the Weald is returned as situate in either of the laths. We meet with the lath of Shewinghope for the first time in a public document, in the Hundred Roll for Kent, compiled in the reign of Edward I., which strengthens the theory that the union could not have taken place until *after* the Conquest.

I have only to add that these Hundreds now belong to the Right Hon. Gathorne Hardy, M.P. In dealing with the property previous to the purchase by Mr. Hardy, Mr. William Twopenny, of the Temple, advised the family of the late Mr. Hodges that the Crown having created and retained "The seven Hundreds," they never became subject to the custom of Gavelkind tenure, but descended to the heir at law.*

From what has been stated it may be inferred that the formation of such unions of *Hundreds* after the Conquest, if not before, was not uncommon. I have met with them in Gloucestershire. There are "The Cirencester seven Hundreds." The following *Rescript of King John*, of July 8, 1215, relates to them:—

"The King to all [the men] of the seven Hundreds of Cyrecestre, greeting. Know ye that we have delivered to the Abbot of Cyrecestre

* I am indebted to Mr. George Thompson, of Cranbrook, for this information.

CHAP. XXVII. and to the Canons serving God there, 'the seven Hundreds of Cyrecestre,' with all their apputenances, whereof Gerard de Atycio disseized them."

The county of the City of Gloucester had also her extern Hundreds of the shire appended to it. In the Domesday of Worcestershire it is recorded:—

"In the same county there are twelve Hundreds: of these, seven are so quit or exempt, as the shire says, that the Sheriff has nothing in them." Dom., I., fol. 172.

Then there were the Hundreds in Windsor Forest, in Berkshire, and the Chiltern Hundreds,* in Buckinghamshire. All these were once wild forest districts thinly peopled, but only the last is now heard of, and that in connexion with the House of Commons.

The number "seven," however, was not always rigidly adhered to. In the "Gesta" of the monastery of St. Alban's, II., p. 220, the Abbot, Archdeacon, &c., of St. Alban's were indicted for murder before a court composed of three Hundreds. In the *Placita de quo Warranto*, 3 Edward III., the Abbot of Peterborough claimed to have eight Hundreds and his right of jurisdiction over them.

Chart and Longbridge, and Bridge and Petham, now constituting only two Hundreds, were in Domesday the four separate Hundreds of *Cert*, *Longebrige*, *Brige*, and *Piteham*, and were not united until after the reign of Edward III.

The profits and perquisites derived by the Crown from "The seven Hundreds" were never considerable. In the Survey of the Crown lands on the death of Charles I., they were estimated at £8 3s. 4d. improved value. Indeed, the manorial burthens in this district are lighter in the present day than in most parts of Kent, which it shall be my endeavour hereafter to account for. As these trifling emoluments are now lost sight of, and the County Constabulary discharge most of the duties of the constables formerly appointed for these Hundreds, no Courts have been held of late, which may be a matter of regret to the antiquary (but to no one else, unless it is the Steward), as beyond doubt the Court of the Seven Hundreds is the most ancient existing institution of the Weald of Kent.

* Desborough, Stoke, and Burnham, are the three Chiltern Hundreds,

CHAPTER XXVIII.

THE REIGN OF KING STEPHEN.

IN resuming the outline of the early history of Kent, we arrive at a period which has been termed "England's darkest moments under her Norman monarchs."* Stephen was the second of the four sons of Stephen, Earl of Blois, by Adela, daughter of the Conqueror; and was consequently nephew of Henry I., and first cousin to that king's daughter, the Empress Maud.

CHAP. XXVIII.

A.D., 1135.

Robert, Earl of Gloucester (Henry's natural son) was with Stephen in attendance on Henry, in Normandy, when he died, and the monarch relied on both for support, in securing the succession of the crown for his daughter Maud (married to Geoffrey Plantagenet, the son of the Earl of Anjou), who aspired to be "a woman king," unknown in those days, and opposed to all the notions and habits of Gothic nations.† We can understand the objection, when we remember that the office of King grew from that of General, and implied military command. Stephen instantly set out for England, taking ship at Whitsand, near Calais (then the usual port of embarkation for England). He landed on the Kentish coast, probably

Lord
Lyttleton's
History of
Hen. II.,
Vol. I., p. 234.

* The day Stephen arrived in England "there chanced a mightie great tempest of thunder horrible to heare) and lightening dreadful to behold. Now because this happened in winter time it seemed against nature, and therefore it was the more noted as a foreshowing of some trouble and calamitie to come."—*Holinshed*, Vol. II., p. 78.

† Up to this time there had been but one instance of a female's being permitted to succeed to the crown, viz., Sexburgh, wife of Cenwalch, King of the West Saxons; she, however, reigned but one year, for Matthew of Westminster says the nobles would not fight under her.

Sub. Ann.,
672.

Ann. XIII.
Lampert.
4th ed.
Vol. II, p. 22.

Lyndum's
Hen. II.
Vol. I, p. 229.

Gervas of
Canterbury,
pp. 1249, 1259.

as it near Dover, but the monks of Dover and Canterbury refused him admission. In London and Winchester he was more successful. By perjury he procured evidence that Henry had in his last will bequeathed his kingdom to the pope or imperial candidate, and declared Stephen his successor, and thus he succeeded in securing the crown which Archbishop Hubert, who had sworn fealty to the Empress, placed in his hand at Winchester, 23rd December, 1135. Stephen proceeded to secure the treasure which Henry had left in Winchester castle. It amounted in money alone to £100,000, a sum equal to £1,500,000 in our time, besides a vast quantity of jewels and plate, which he got possession of through the aid and connivance of his brother, Henry de Bures, Bishop of Winchester. Stephen's Queen, Matilda, was subsequently crowned with him, 19th March, 1136, in Canterbury Cathedral. The king in his rich habit was conducted by the archbishop and earls to the church, where the king stood in the archbishop's seat, the queen opposite him; the archbishop put the crown on both, and afterwards celebrated mass before them.

Though the barons, influenced by the Bishop of Winchester, placed Stephen on the throne, it was only to serve their own purposes. They were nearly all foreigners, and their possessions had been but recently acquired by conquest: they therefore felt the insecurity of their own titles, and believed that they could exact terms from him which the Empress Maud would never listen to; and they consequently took only a *conditional* oath of allegiance, while Stephen was ready to promise whatever they required of him.

"He swore—1. That on all occasions of episcopal vacancies he would appoint a new prelate within a certain time, and meanwhile would leave the temporalities of the see in the charge of some ecclesiastic; 2. That he would make no addition to the royal forests, but would, on the contrary, restore to their owners such lands as had been made forest by his predecessor; and 3. That he would abolish Danegelt."

* John de Fiennes was constable of Dover Castle at this time, and being a partisan of the Empress Maud, Stephen soon removed him and took the office into his own hands.

The non-observance of this oath jeopardized Stephen's crown, and occasioned a succession of wars, which lasted throughout this reign. CHAP. XXVIII

Having obtained a bull from Pope Innocent II. confirming his election, and having seen the body of Henry interred in the Abbey at Reading which that king had erected, Stephen convened a great Council of the nation at Oxford, and there signed the promised Charter, styling himself "the elected King of the English by assent of the clergy and the people." A.D. 1136.

During this interval an ineffectual attempt was made by the Empress Maud to take possession of Normandy; in England, however, not a hand or voice was raised for her. Even the Earl of Gloucester, a man valiant, learned, and one of the most eminent of his day, did homage to Stephen, and took the qualified oath of fealty, with other barons.

Meanwhile David, King of Scotland, overran the northern counties, and compelled the barons to swear fealty to his niece Maud; an insurrection also in her favour broke out in Wales, which was checked, but never effectually suppressed; and although Stephen had obtained the investiture of the Duchy of Normandy for himself and his young son from the French King Louis, he could not depend on the allegiance of its inhabitants.

In the spring of the following year (1137) Stephen proceeded to Normandy and took into his confidence William de Ipres,* a man of great valour. The Earl of Gloucester, of whose integrity, prudence, and judgment Stephen appears to have been fully sensible, followed the king to Normandy, and was frequently invited to the palace at the instigation of William de Ipres, with the object of treacherously intercepting him; but being informed of it by an accomplice, the Earl avoided the snare. Thus

* William de Ipres was a natural son of Philip, son of Robert I., the Frisian, Count of Flanders. He is said to have been concerned in the murder of Charles, Duke of Flanders, who had succeeded Baldwin VII., in 1119. His hostility to the French King recommended him to Henry I., and he was finally taken up by Stephen as the leader of his Flemish mercenaries.

CHAP. XXVIII.

William of
Malmesbury,
Dr. Giles' ed.,
p. 496.

A.D. 1138.

Norman
England,
p. 41

Vol. II., p. 83.

detected, Stephen took an oath that he would never again give countenance to such an outrage. Stephen returned to England with William de Ipres, the Earl renounced his fealty, raised the standard in favour of Maud, and was joined by Stephen's brother, the Bishop of Winchester, and the heads of the Church; for the king had quarrelled with the clergy, who soon became his bitter enemies. The fortune of war at first favoured the cause of the Empress, and she seized and garrisoned in her name various strongholds. But we will pass over the bloody battles which raged throughout England during the next five years, and confine our attention chiefly to what occurred in Kent. The See of Canterbury remained vacant about two years, when Theobald, Abbot of Bec, in Normandy, was elected.

Stephen had appointed William Marshall (his master of the revels), Constable of Dover Castle, but he was taken prisoner by the Empress in one of her sieges, and she conferred the office on Wakelyn de Magminot. Leeds Castle (in Kent) was subsequently taken by the Earl of Gloucester, but neither Dover nor Leeds Castles were long retained. According to Mr. Pearson, Dover was obtained by treaty. Holinshed says,

"About the same time one Walkeline yeelded the castle of Dover vnto the queene who had besieged him within the same."

Lambarde tells us, under "*Leedes*," that during their troubles,

"Divers great men, under Maude's devotion, betook them to their strongholds, and some others seized some of the king's own castles on behalf of the Empress, of which number was Robert (the Earl of Gloucester and bastard brother to Maude), who entered the castle of *Leedes* minding to have kept it. But King Stephen used against him such force and celerity that he soon wrested it out of his fingers."

Holinshed, in chronicling the events of this reign, says:

Vol. II., p. 85. "The king having taken the castell of *Leides*,* and brought

* I do not remember to have seen this event, thus recorded by Lambarde, Holinshed, and Pearson, noticed in Mr. Wykeham Martin's "*Leeds Castle*." The reason why the seizure of Leeds Castle has not been generally noticed, arises from the spelling of the name in different chronicles—*Esteedes*, *Leedes*, and *Slade*. Cobbe, the last historian of the period, calls it *Slade Castle*, not identifying the locality.

the state of the realm to a meetlie good staie," proceeded to Scotland and concluded a peace. CHAP. XXVIII.

William de Ipres remained firmly attached to the cause of his Sovereign, and was rewarded with the earldom of Kent,* which it would appear had remained vacant from the time of Odo's disgrace. He accompanied Stephen to Lincoln, and took the chief command of the army in the attack on the 23rd February, 1143. Stephen was here taken prisoner, and would surrender to no one but the Earl of Gloucester. William de Ipres,† seeing all was lost, by a seasonable retreat returned to Kent. The Empress was declared Queen, "and she provided so ill for the instability of fortune as to send Stephen in irons to his prison at Bristol." William of Malmesbury (an avowed partisan of the other side), however, says he was presented to the Empress at Gloucester, and afterwards conducted to Bristol, where he was treated with every mark of honour; but being more than once found beyond the limits allotted to him, he was confined with fetters.‡

Mackintosh,
Vol. I., p. 137.

p. 516.

At this time the whole nation had deserted the cause of the king, except London and Kent, where he had still some faithful friends. The Empress Maud and the Earl of Gloucester next met the Bishop of Winchester (who had been recently appointed the Pope's legate) and the clergy in Winchester. William of Malmesbury was present, and records the legate's address, in which he declared that to the English clergy the right principally pertained to elect the Sovereign and to crown him.

p. 519.

To win over the citizens of London to the cause of the

* The extraordinary favours which Stephen bestowed on foreigners, particularly on William of Ipres, his favourite, gave his subjects a very plausible pretence to complain.—*Rapin*, Vol. I., p. 203.

† Norman Fitz Dering (the sheriff of Kent during this reign, from whom the family of Sir Edward Dering claim to be descended), married Blithildis, daughter and heiress of William de Ipres. Tradition says that their son, Dering Fitz Norman, saved the life of King Stephen at Lincoln, for which he received an augmentation to the family coat of arms, of "three drops of blood."

‡ Other writers say he was not "laid in irons" until after Matilda's flight from Oxford.—*Gervase*. *Matt. Paris*, p. 78, quoted by *Rapin*, Vol. I., p. 206.

CHAP. XXVIII. Empress, they were flattered by a request to send a deputation to this meeting of ecclesiastics. They at first supported the cause of Stephen, but before the meeting separated they agreed to accept the Empress as their Sovereign. Stephen's Queen took shelter in Kent, with her youthful son Eustace, under the protection of William de Ipres. The King's cause had become almost hopeless, for Kent alone could now be relied on, and it may be doubted whether this arose purely from the attachment of the inhabitants, or whether the dread of the earl recently placed over them, styled by the chroniclers of that day, "an abandoned character, who feared neither God nor man," and supported as he was by bands of Flemish mercenaries, who were constantly landing on our coast, under his command, did not influence their actions.

Mackintosh,
Vol. I., p. 137.

Rapin,
Vol. I., p. 207.

The Empress Maud, elated with success and puffed up with folly, was awaiting her coronation in London. Her rapacity and insolence, however, soon produced a strong popular feeling of disgust. Stephen's Queen made humble suit for the liberty of her husband on condition of his resigning all claims to the throne and retiring into private life, which she rejected in terms of reproach, forbidding the unfortunate Queen even to come into her presence again. The citizens of London applied for a restoration of the laws of Edward the Confessor, which was also rejected with contumely. Even the solicitation of the Bishop of Winchester (to whom she was so much indebted) to confirm the titles of Earl of Mortagne and Boulogne to Stephen's son Eustace was of no avail. In a few days every prospect of Matilda's coronation had vanished, and the Pope's Legate, the clergy, and the citizens of London soon abandoned her cause and privately concerted measures for the restoration of Stephen. His Queen still remained in arms in Kent, and taking advantage of the strong popular feeling of disgust which so generally prevailed, made her appearance with her son Eustace and William de Ipres in London. The Empress having notice that an attempt would be made to seize her

person, escaped to Oxford in such haste that her Palace and goods were exposed to the fury of the populace. The Legate sent word to Eustace to be ready to march with the Kentish men. The Empress proceeded from Oxford to Winchester with such forces as she could muster, and obtained admittance into the castle. The Earl of Gloucester remained faithful to her to the last, but many of her former supporters began to desert her. The Kentish men, joined by the citizens of London, commanded by William de Ipres and accompanied by the Queen and her son, proceeded to Winchester with such speed that they nearly surprised the Empress before she entered the castle. The inhabitants, unlike their bishop, remained faithful to Maud, which appears to have exasperated him, for combustibles were hurled from the bishop's castle on the houses of the people; and to the bishop is imputed the setting fire to the city, though the capital of his diocese. A nunnery, a monastery (S. Mary and Hyde Abbey), and twenty churches, with other property, were burnt to ashes in this dreadful conflagration.*

By the help of the indignant Londoners and Kentish men Maud's army was utterly discomfited. She was obliged to feign herself dead, and was conveyed in a hearse to Gloucester. The Earl of Gloucester was taken prisoner while retreating from Winchester, and William de Ipres, to whose charge he was committed, ordered him to be conducted to Rochester, as the King had still more friends there than in any part of the kingdom. Stephen's Queen appears to have visited him here, and treated him with the respect he fully deserved. He went whither he pleased and to the churches below the castle, and conversed with whom he chose. He must have retained at this time some possessions in the neighbourhood, for we

CHAP. XXVIII.

Holinshed,
Vol. II., p. 29.

William of
Malmesbury,
p. 523.
Rapin,
Vol. I., p. 207.

Mackintosh,
Vol. I., p. 137.

Rapin,
Vol. I., p. 207.

* The Abbey at Wherwell, in Hampshire, was burnt about the same time by William de Ipres because some of the partizans of the Empress had taken refuge there. The *Gesta Stephani* says that the Imperialists had fortified it and garrisoned it with 300 soldiers. The continuation of Florence of Worcester says it was burnt by the Bishop of Winchester's soldiers.

CHAP. XXVIII.

William of
Malmesbury,
p. 528.

are told that getting money from his vassals in Kent, he bought some valuable horses which were afterwards serviceable to him. The Earl remained in confinement at Rochester six months, and during this time various overtures were made for an exchange of King Stephen (still in confinement at Bristol), for the Earl, who would not listen to the proposal until it had been sanctioned by Maud. Both parties, being at last set free, were enabled to renew the war.

Ib., p. 535.

The Earl of Gloucester proceeded to Normandy to seek further aid, and Maud remained at Oxford. Stephen, having burnt Wareham and taken the castle, marched to Oxford, hoping to secure Maud before the Earl returned. He burnt the city, and then besieged the castle, which Maud stoutly defended for three months. While making terms to capitulate, she escaped at night during the inclement winter of 1142, with only three or four attendants, dressed in white to deceive the sentinels, the earth being covered with snow, crossed the Thames on the ice, walked six miles, and on arriving at Abingdon took horse to Wallingford. The Earl of Gloucester returned to England with Maud's son, Henry (afterwards Henry II.), and the civil war was resumed. Maud, however, lost her chief and faithful adherent, the Earl of Gloucester, who died of fever; and, having sent the prince, her son, back to Normandy, she soon followed him, perhaps abandoning all hope of recovering the crown of England.

A. D. 1145.

A. D. 1149.

If Stephen imagined he should ever govern his people in peace and tranquillity, he was doomed to disappointment; for shortly after Maud's withdrawal from England, her son, Duke Henry, set up a claim to the throne. This led Stephen to make an attempt to secure the crown for his son Eustace. The earls and barons did fealty to him, but the Archbishop of Canterbury and clergy refused to be parties to this arrangement. The King, incensed, ordered them all to be shut up in one house until they complied with his desire. The Archbishop found means to escape, and fled into Normandy. Eustace joined his

Rapin,
Vol. I., p. 209.

A. D. 1151.

father in besieging Wallingford, then esteemed one of the strongest places in the kingdom. Duke Henry, with a considerable army, landed at Dover, and having erected a new keep to the Castle upon the plan of Bishop Gundulph's tower at Rochester, and enclosed it with a new wall, hastened to relieve his supporters, and was joined by several barons. A battle appeared inevitable, when the two chiefs, in a short conversation between them across a narrow part of the Thames, agreed to a truce in hopes of negotiating peace, which so displeased Eustace that he deserted his father and retired to Suffolk, which county he laid waste while he occupied the princely Abbey of St. Edmund's Bury, where he died. Stephen's Queen had died a few months before (11th May, 1152). Mother and son were buried in Faversham Abbey. These deaths facilitated the negotiations for peace, which were finally settled at Winchester in November, 1153, when it was agreed that Stephen should retain the crown during his life, that Duke Henry should succeed him, and that William (Stephen's son) should take an oath of allegiance to Henry, having secured to him his patrimonial earldoms, with Pevensey, Dover, and Faversham. This was followed by the two princes visiting several of the principal cities. At Canterbury they were solemnly received in procession at the convent of Christ Church. Amidst these rejoicings Henry discovered a conspiracy against him by William, the king's son, and the Flemings. This plot would have been executed, had not William fallen from his horse and broken his thigh on Barham Downs, as the princes and their attendants were proceeding from Canterbury to Dover to meet the Earl of Flanders and his Countess. Henry, without showing any signs of mistrust, hastened back to Canterbury, proceeded thence through Rochester to London, and returned in safety by long sea to Normandy.

On the 25th October, 1154, "the boisterous life and wretched reign" of Stephen were brought to a close. He had travelled to Dover to confer with the Earl of Flan-

CHAP. XXVIII.

A.D. 1152.

A.D. 1153.

Rapin,
Vol. I., p. 210.

Holinshed,
Vol. II., p. 109.

Henry of
Huntingdon,
p. 296.

CHAP. XXVIII.

Holinshed,
Vol. II., p. 110.
Rapin,
Vol. I., p. 210.

ders, and was taken ill there; but it is doubtful whether he died at Dover or at Canterbury.* All writers agree that he was buried at the abbey at Faversham, by the side of his queen and his son.

We have seen that Faversham formed part of the possessions of the Crown; and so it continued until the reign of Stephen, who granted the hundred and manor to William de Ipres for his faithful services; but when he had determined to found an abbey here (A.D. 1148), and dedicate it to St. Saviour, he made an exchange with his favourite, and removed some of the Benedictine monks from the Priory at Bermondsey to Faversham. Clarenbald, the first abbot, received his benediction from Archbishop Theobald at the high altar, Canterbury, in the presence of Stephen's Queen Matilda.

Both the King and the Queen appear to have formed a strong attachment to Faversham, and they took great interest in the erection of the abbey which they founded there. The Queen was often there while the works were in progress, when she would frequent the monastery of St. Augustine's at Canterbury. Archbishop Theobald was at this time at enmity with Sylvester, the Prior, and carried his hostility so far as to prohibit for a time the celebration of divine worship there. The Queen, however, continued to attend the monastery, and was in the habit of sending for the monks of Christ Church to officiate before her.

Gervas,
col. 1366.
Holinshed,
Vol. II., p. 99.

We have further proof of the attachment of Stephen to Faversham in the charter of pacification between him and Prince Henry of Normandy, in which he obtained from the Prince a confirmation of the abbey of Faversham *by name*. It boasted of possessing a piece of the Holy Cross, "which Godfrey Boylon for kyndred had so sent to King Stephene."

Robert of
Gloucester.

This attachment was all forgotten, when on the suppression of the Abbeys, about 400 years afterwards, the leaden

* The majority of writers state Dover.

coffin in which King Stephen's body was wrapped was for a small gain removed and "the body thrown into the next water," the creek. Who shall say that the remains of the Queen (who proved such a devoted wife) and Prince met not with the same treatment? *Sic transit*. This proceeding is the more remarkable when we find Weever, in the reign of Charles I. (1631), assuring his readers that the monuments of Faversham church were more carefully preserved than in any other that he had seen in all Kent.

Throughout the whole of this reign (a period of nineteen years) England was in a constant state of anarchy and confusion; in short, it was rapidly returning to barbarism. Stephen (according to Stowe) was "a noble man and hardy, of passing comely favour and personage," and appears to have possessed many qualities which would have adorned a throne under less trying circumstances. In delineating his character, his valour, clemency, and generosity, form a good foreground, but zeal has given very opposite representations of it. Did the Crown really belong to the Empress Maud, to Stephen, or to the nation?

The rules concerning the succession to the throne were not even then clearly defined and settled; for we find William II., Henry I., Stephen, Henry II., and John were all elected by their partisans, and Maud's claim was founded on the fact that the nobles had chosen her in her father's lifetime.

The picture of this reign from the Saxon Chronicle, quoted alike by Hallam, Mackintosh, and other writers, may be worth inserting here.

"The nobles and bishops built castles, and filled them with devilish and wicked men, and oppressed the people, cruelly torturing men for their money. They imposed taxes upon towns, and, when they had exhausted them of everything, set them on fire.* You might travel a day, and not find one man living in a town, nor any land in cultivation. Never did the country suffer greater evils. If two or three men were seen

CHAP. XXVIII.

Sandf.
Geneal.,
p. 42, quoted
by Rapin,
Vol. I., p. 210.

Speed's Chron.
from Stow,
p. 481.
p. 275.

Allen's Royal
Prerogative,
p. 44.

Hallam,
Vol. II., p. 319.

* The destruction by fire of cities and towns was of constant occurrence during this reign; Rochester has been referred to (p. 231). York, with its Minster and thirty-nine churches, and the greater part of Bath, were burnt about the same time.

- CHAP. XXVIII. riding up to a town, all its inhabitants left it, taking them for plunderers. And this lasted, growing worse and worse, throughout Stephen's reign."
- Mackintosh,
Vol. I., p. 133. "The bands led by Stephen were no otherwise distinguished from others than by the audacity with which the numbers of his Flemish mercenaries encouraged him to assault and destroy the magnificent monasteries, from an attack on which, those who were most enured to rapine, but who still dreaded the guilt of sacrilege, recoiled with horror."
- Camden,
Vol. I.,
2nd ed., p. 211. The closing career of William de Ipres, called by Fitz-Stephen "an unsupportable burthen to Kent" ("*violentus Cantii incubator*") only remains to be noticed. He fortified Rye and erected the tower there, still named after him. He built the Abbey at Boxley, supplying it with monks from Clarevalle, in Burgundy. On the death of Stephen he was compelled with other Flemings to quit England.
- Ib., 231. According to Camden, "he marched off with tears in his eyes," while Rapin says Henry dismissed all the foreigners without suffering so much as one to remain in the country. "William of Ipres, their General, did not stay to be ordered to depart, the cold reception he had met with at Court having already convinced him his absence would be very acceptable." Gervase of Canterbury, however, says he went of his own accord fearing Henry. The Pipe Roll of 2 and 3 Henry II., quoted in the next chapter, shows that his revenues in Kent were accounted for by the royal collectors, from which it may be inferred that his lands were confiscated. He died a monk in the Abbey of Laon in Flanders.
- Ib., 259.
Vol. I., p. 223.

CHAPTER XXIX.

HENRY II.—RICHARD I.

THE accession of Henry II., the first of the line of Plantagenet, and the grandson of Henry I.,* on 25th October, 1154, was hailed with joyful hope by all classes in England, who looked forward to a mitigation of those sufferings they had so long endured. When he received the news of Stephen's death, he was besieging a castle in Normandy, and he did not arrive in England for six weeks, having waited no less than a month for a favourable wind. What would be said of this in these days of rapid movements by sea and land? He was immediately crowned, with his Queen Eleanor (Countess of Poitou, Duchess of Aquitaine in her own right, and the divorced wife of King Louis of France), at Westminster, by Archbishop Theobald. His disbanding the foreign troops which Stephen had employed, and the seizure into his own hands of all the possessions of William de Ipres, the Earl of Kent, were noticed in the last chapter. The Sheriff of Kent included the income of some of this confiscated property in the following return:—

“THE GREAT ROLL OF THE PIPE. 2 HEN. II.

“The Sheriff [Ralph Picot] renders account. . . . In Canterbury 29l.,

* I ought not to pass over what perhaps was only a scandal of the day, and so I may state, on the authority of Polydore, Matt. Paris, and other writers, that Stephen is supposed to have been the father of Henry II., by the Empress Maude; and an avowal of the relationship led to the reconciliation between the belligerent parties in 1153.—*Holinshed*, Vol. II., p. 108.

CHAP. XXIX. in grain; in Middeltune, 100*l.* in grain; in Tarenteford, 100*l.* in grain; in Einesford, 32*l.* in grain; all of which William de Ipra had.*

"And the same Sheriff renders account"

"In Canterbury, 30*l.* in money, which William de Ipra had. And to the same, 55*l.* in Boxele, in money. And to the same, 100*l.* and 68*s.* and 7*d.* in money, in Hou."

A somewhat similar account is rendered in the next year. Looking at the value of money, it shows how bountiful the late King must have been to his favourite,† who was also the custodian of the Castle of Canterbury.

Henry razed to the ground nearly all the castles and fortresses which had been illegally erected by the Barons during the preceding twenty years, and to his great credit he earnestly sought to reform a depraved and corrupted Government. His eldest son William, though a child, had fealty sworn to him, but dying soon after, a similar recognition was obtained from the great council for his next son Henry, and on attaining fifteen he was, at the solicitation of his father, crowned at Westminster, June 14th, 1170. Hence he is often called by old writers, "the young King," or "Henry III," though never succeeding to the Crown, as he died in 1183.

A very large part of France belonged to Henry, either in his own right or through his Queen, including the whole Atlantic coast, so important in its communication with England. Not content, however, Henry endeavoured to extend his dominions, and he claimed and sought to recover the earldom of Toulouse in right of his wife. For this purpose he collected a great army, in which the celebrated Thomas Becket served; he was then Arch-deacon of Canterbury, having previously been appointed to the living of Otford, in this county.‡ Becket at this

* Money payments had not therefore altogether superseded payments in kind at this time.

Vol. II., p. 286.

† Lord Lyttleton, in his *Life of Henry II.*, says that William de Ipres knew no scruples in obeying the will of his master, nor any moderation in enriching himself, being too wicked to believe that any man could be virtuous. He, however, is said to have died very penitent, A.D. 1162.

‡ Bromton and other old writers tell a romantic story of the parentage of Becket, making him the son of Gilbert Becket, a London trader, by a

time held the office of Chancellor, to which the King had appointed him by the advice of Archbishop Theobald. CHAP. XXIX.

It has been said that this expedition to Toulouse is memorable for the introduction (attributed to Thomas Becket) of the practice of escuage or scutage (literally shield money), by which the military service of the vassals of the Crown was, at the will of the Sovereign, commuted for a payment in money,* which Henry employed in the hire of large bodies of mercenary troops from the Low Countries. The command of these lawless soldiers was given to Becket, who maintained at his own cost 700 knights, and 1,200 foot. The contest was suspended by a peace in May, 1160.

In the year 1162 Archbishop Theobald died, and Becket was (against his will as he always affirmed) elevated to the See of Canterbury. This promotion was followed by an immediate abandonment of his luxurious habits, and the practice of great self-denial. It was not long, however, before the King began to evince a hatred of his favourite as vehement as had been his previous attachment. Henry was greatly annoyed by Becket's attempt to recover the possession of the castles and lands which had been alienated from his See, and during a violent controversy respecting a reform in the jurisdiction of the ecclesiastical courts, Becket took occasion to upbraid the King for unjustly depriving him of the custody of Rochester Castle. This was followed by a demand of Saltwood and Hythe as belonging to his See. He afterwards summoned Roger, Earl of Clare, to appear before him at Westminster to do homage for Tunbridge Castle, which Becket asserted

Rapin,
Vol. I., p. 227,
fol. ed.

Saracen lady, who had set him free, when taken captive by her father. Though knowing but two words of English, "Gilbert" and "London," she made her way to Gilbert's door in Chesham, and was baptized by the name of Matilda, and married to him the same day. As Fuller says, "Tis pity so pretty a story should not be true;" but it is now known that Gilbert Becket, though he may have been a pilgrim to the Holy Land in his youth, was at the time of his son's birth the portreeve of London, and his wife's name was Rohesia.

Canon
Robertson's
Becket, a
Biography,
p. 10.

* Madox, in his History of the Exchequer, traces scutage to the time of Henry I. The great extension of the system may have been suggested by Becket.

CHAP. XXIX.

ought to be held of him in right of his Archbishopric, and not of the King.* The manor and castle of Eynsford, in this county, were at this time held by William de Eynsford† of the Archbishop; and Becket next endeavoured to collate one Lawrence to the church, but William de Eynsford, who claimed the right of presentation, dispossessed him of it, and the Archbishop in revenge excommunicated William; this made the King very indignant, and a deadly struggle between Henry and Becket followed.

Numerous writers, including Dean Stanley,‡ and Canon Robertson,§ have so ably and vividly recorded this contest, which terminated so fatally, that nothing which I can add will throw any further light upon it. As a matter of history, however, the Constitutions of Clarendon which brought the dispute to a climax must not be passed over unnoticed.

Ante, p. 268.

William the Conqueror we have already stated separated the ecclesiastical from the civil tribunal, and thus, without perhaps intending it, greatly increased the power and immunities of the Church. Many evils resulted from it, and instances occurred of atrocious crimes being perpetrated by the clergy with impunity, because the ecclesiastical tribunals had no authority to inflict adequate punishment. This incensed the King, and notwithstanding the opposition of Becket and the clergy, he succeeded in promulgating the Constitutions of Clarendon,§ consisting of sixteen Articles, which, among other things, rendered the clergy amenable to the King's writs both in person and property—prohibited them from quitting the

Mackintosh,
Vol. I., p. 155.

A.D. 1164.

* It is said that Becket attempted to reduce Tunbridge Castle by force, while Roger de Clare compelled the Archbishop's messenger to eat his missives, especially the seals.—*Fleming's Tonbridge Castle*; a Paper read before the Kent Arch. Society, July 28, 1865.

† He was Sheriff of London in this reign.

‡ "Historical Memorials of Canterbury: the Murder of Becket."

§ "Becket, Archbishop of Canterbury. A Biography."

§ This was an assembly of the great or common Council of the land not yet called by the name of Parliament, which met at Clarendon, near Salisbury, January, 1164.

realm without the King's licence—provided that all ecclesiastics who were tenants *in capite* of the Crown should perform the same services as lay tenants except sitting in judgment in criminal causes—declared that vacant dignities of the Church should be in the King's hands—and that when the King provided for the vacancy the election should be made in his presence. The Pope annulled most of these regulations as derogatory to ecclesiastical liberty, and Becket, who had consented to them under fear of death, reached Canterbury in great agony of mind, and did open penance for his weakness and submission. The differences between the King and his Archbishop continued for seven years, and ended in the murder of Becket, who first endeavoured to escape to France by way of Romney.* Proceed-
ings were instituted against him before the great Council at Northampton in October, 1164, where he was charged with converting to his own use the revenues of the See of York while he was Chancellor, and also with embezzling £30,000 belonging to the King. These charges were no doubt untrue, and in case they had not been so, Becket had received a formal discharge in the King's name when he became Archbishop. His ruin, however, was determined on, and he appears only to have saved his life on this occasion by a midnight flight from Northampton, under the assumed name of "brother Christian." The King's orders to watch the ports, particularly Dover, to prevent his quitting the kingdom were of no avail. Becket lay hidden for some days at Eastry, near Sandwich, waiting

CHAP. XXIX.

Ante, p. 246.

* Becket first asked leave from the King to go to Pope Alexander, which was refused. When attempting to sail from Romney the sailors, dreading the King's indignation, pretended there was no wind and brought him back.—(Hoved., p. 494; Gervas, p. 1389; Matt. Paris, p. 102.) Lambard says (under Romney) "he secretly took boat, minding to have escaped to Rome, but was driven back by a contrary wind and was compelled to land against his will. This attempt to escape so exasperated the king that he seized his goods." Lingard says, he repaired to Romney, one of his manors, and on two succeeding nights put to sea in a boat with three companions; but the wind proved unfavourable on both occasions and compelled him to return. It had been his intention to steal over to the French coast, and to consult the pontiff in person; taking, however, these indications that God disapproved of the design, he returned to Canterbury.

Vol. II., p. 69.

CHAP. XXIX. for a fair wind, and then passed over to Flanders. His faithful friend, Herbert of Bosham, had preceded him, and by a timely visit to Canterbury had secured a large sum of money and plate which he took with him to St. Omer, where he awaited the arrival of his lord. But though absent from England he had numerous partisans, and at length a severe illness caused Henry to seek a reconciliation. This was effected in France, though only in appearance, in the presence of King Louis, when Henry promised to make restitution to Becket of all that had been seized from him and his relatives. Tradition says that on this occasion the King even held Becket's stirrup while he was mounting his horse, as he had done for the Pope on a former occasion.

Lingard,
Vol. II., p. 72.

A.D. 1170.

Among other property which the King ordered to be restored to the Primate, was Saltwood and its dependencies, including Hythe, which had been held of the See of Canterbury by Henry of Essex, who was Lord Warden of the Cinque Ports, Constable of England, and hereditary standard-bearer; but in consequence of his flight from the battle-field in Wales, the King took possession of Saltwood as an escheat, though in truth it belonged to the Church,* and he granted to it a knight named Ranulph de Broc. Becket's claim was disregarded by this man, who was afterwards appointed sequestrator of the lands of the See, on which he made much wanton havoc, and was in consequence excommunicated.

Vol. II., p. 133.

Holinshed sets out the letter which Henry addressed to his eldest son, announcing his reconciliation with Becket, and ordering the restitution of Saltwood:—

“Know ye, that Thomas the Archbishop of Canterbury hath made his peace with me, at my will and pleasure; and therefore I command you, that both he and his may remain in peace; and that he and all those which for his cause departed out of the realm may have all their goods restored, and in such quiet estate be now possessed of them as at any time within three months before their departure from thence. And fur-

* Henry of Essex was defeated in single combat on an accusation of treason, but he was allowed to save his life by becoming a monk in the royal abbey of Reading.

ther, cause to come before us of the best and most ancient knights of the honour of *Saltwood*, that upon their oaths they may find what fee the archbishop ought to have *within that honour*, and that which shall appear to appertain unto him as in fee let him enjoy the same. And thus farewell.”

CHAP. XXIX.

The feigned peace between the Sovereign and the Archbishop was not of long duration. The Pope had issued letters of suspension or excommunication against the Archbishop of York (a bitter enemy of the Primate), and the Bishops of London and Salisbury, who had officiated at the coronation of the King's son.* These prelates knew that Becket was in possession of the letters, and, by their means Ranulph de Broc was sent from Saltwood Castle† to the coast with a party of soldiers, to search him on his landing and take them from him. Becket heard of it at Whitsand, and instead of destroying the letters, he, in a moment of irritation, injudiciously despatched them by a messenger, who delivered them to the Bishops in the presence of their attendants; and this no doubt hastened the sad catastrophe which followed. Becket landed at Sandwich, and was joyfully received at Canterbury by the clergy and people. He was about to visit Woodstock, the residence of Prince Henry, when the courtiers, who still dreaded his influence, procured an order for him to remain in his diocese: he obeyed. On Christmas Day he preached in the Cathedral; at the conclusion he observed “that those who thirsted for his blood would soon be satisfied, but that he would first avenge the wrongs of his church by excommunicating Randulph and Robert de Broc, who for seven years had not ceased to inflict every injury in their power on him, on his clergy, and on his monks.”‡

Lingard,
Vol. II., p. 80.

Ante, p. 338.

Lingard,
Vol. II., p. 80.

* Henry, we have seen, had his son crowned during his own lifetime, in the vain hope of securing his succession. The ceremony, of right, should have been performed by Becket, and he regarded the conduct of the other prelates as an invasion of the privileges of his See.

† It was at Saltwood Castle that Becket's murderers assembled on their arrival in England.

‡ Lord Lyttleton, in his *Life of Henry II.*, says, “Many of Becket's congregation wept; when, suddenly changing his looks and voice, he vehemently inveighed against the vices of the age, and thundered out an

Vol. IV., p. 352.

CHAP. XXIX.

Becket met his death with becoming fortitude. His blood became more powerful than his voice, for the Constitutions of Clarendon, after being practically disregarded, were soon repealed at a great council held at Northampton. Unhappily in this as in many of the contests between the clergy and laity, the struggle was not for Christ and His kingdom.

Wicked and depraved as Henry's character was, posterity acquits him of being the contriver of this crime, though his violent expressions no doubt led to the commission of it. We pass over his penance and pilgrimage, followed by that of King Louis, attended by the Earl of Flanders and other great nobles (22nd August, 1179), when Henry travelled all night along our coast to be present at their landing at Dover and to accompany them to Canterbury.

To Henry may be well applied that truthful axiom, "our sins are sure to find us out." He had when only eighteen married for the sake of her patrimony the divorced Queen of France, eleven years older than himself. The love that Eleanor might at first have entertained for him was soon changed by his neglect and infidelity into bitter hatred, and in revenge, as her children grew up she exercised all her maternal influence to produce a breach between them and her husband, and she succeeded; thus embittering the lives of all concerned, and presenting a deplorable picture of family discord. A conspiracy against the King was the result, which spread widely. Louis, the King of France, summoned a great council to meet him at Paris, and took an oath that he would assist the young Henry and his brothers against their father, and endeavour to put him in possession of

A.D. 1173.

Lyttleton's
Henry II.,
Vol. V., p. 147.

anathema in general terms against almost all the King's Court. Then, lighting the candles, he by name excommunicated Randolph and Robert de Broc, the latter of whom does not appear to have been guilty of any other offence than having cut off the tail of one of the Primate's sumpter horses the day before, which Becket considered an unpardonable affront." This is not the case; he had for years been associated with his brother in the custody of the lands of the See, and had borne his part in all the injury done to them.

the throne. At the same time he took an oath from CHAP. XXIX.
Henry and his brothers that they would not make peace with their father unless Louis and the barons consented to it. This confederacy being thus cemented, the young King received homage from the Earl of Flanders and his brother the Earl of Boulogne, which he madly purchased by conferring on the Earl of Flanders the whole county of Kent, with the castles of Dover and Rochester,* besides a clear amount of £1,000 charged on other lands in England. The Queen fled from her husband to associate herself openly with the rebellion of her sons; but while making her way for the French Court, dressed in male attire, she was caught and brought back to Henry, who kept her in confinement during the remainder of his life. Peace ensued, but only to be followed by a war between the young princes themselves, during which Henry, the King's eldest son, died (11th June, 1183).

Popular tradition attributes the conduct of Eleanor to jealousy of Fair Rosamond, the bewitching daughter of Walter, Lord Clifford, one of her husband's many mistresses. Rosamond's residence at Woodstock, with its labyrinth, and her death by poison administered to her by the Queen, form the subject of romantic tales and ballads with which most of the readers of English history are familiar; and many are also acquainted with the tradition which attaches to the round tower with its pointed roof at Westenhanger, in this county, which still bears the name of this fair but frail lady, who it is said found refuge here before she was removed to Woodstock.

Harris says Westenhanger belonged to Henry II., and p. 294.
as he (Dr. Harris) was looking over the ruins, he found the left hand of a statue well carved in stone with the end of a sceptre grasped in it, which he fancied to be part of the figure of Henry II., because he remembered that in Sandford's genealogical history of our kings there was a

* Two years afterwards the Earl of Flanders sought an interview with Henry, and surrendered to him this grant which his son had so basely executed.

CHAP. XXIX.

Stanley's
Canterbury,
p. 50.

Ib., p. 83.

Brayley's
Surrey,
Vol. V. p. 214.

A.D. 1177.

seal of that Prince with the sceptre in his left hand, a position so unusual that one would have almost concluded that King Henry was left-handed. The room called Fair Rosamond's gallery (or prison) was an upper one of 160 feet in length. This popular tradition has, perhaps, some support from the fact that the adjoining castle (Saltwood) was held at this time by Becket's chief enemy, Dan Ranulph* of Broc, who had made himself still more obnoxious by hunting down the Archbishop's deer with his own dogs. After Becket's murder, Robert de Broc forbade the monks to bury Becket among the Archbishops in Canterbury Cathedral, and brutally described the treatment which the "corpse of his master's enemy ought to receive." Men so attached to the King, and probably looking for advancement, however tortuous the road might be, would be fit instruments to assist the monarch in his clandestine amours, and watch over the fair culprit in the neighbouring castle, but this is mere conjecture after a reperusal of Dean Stanley's admirable narrative of the murder of Becket. This conjecture is not weakened by the fact that the Brocs held the manor of Catteshill, in the adjoining county of Surrey, by the service of usher (*ostiarus*) of the King's chamber.

Henry having subdued Ireland and appointed his son John its Lord, the Pope sent him a Crown made of *peacock's feathers*, a sad emblematical commencement of all the vanity and lack of wisdom and justice by which that unhappy kingdom has been since ruled.

In this reign, at a council holden at Nottingham,

* Though Henry II., as we have seen, ordered Saltwood castle to be restored to Becket, it was not given up to the See of Canterbury until the reign of King John. The Brocs it would appear were owners of property in the neighbourhood of the castle, and gave the name to Brochill or Brochull. Philipott says in his day (1659), "there is an old vast mansion house at Brochill, in Saltwood, of stone, on the side of a steep hill, which was the seat and ancient residence of a family as eminent for antiquity as any in this track, and extracted their surname from hence." The plot on the downs by Beachborough now called Brockman's Bushes was originally Brochill Bushes. A modern house erected on the estate retains the name of Brochill.

England was divided into six circuits, and itinerant judges appointed,—called justices in eyre, for the sake of brevity,—though the practice previously existed. The writ of right was also introduced, being intended as a substitute for the ordeal of battle. CHAP. XXIX.

Glanville, the earliest of our English law writers, lived under Henry II., and was as good a soldier when needed as any of "the Devil's Own" in our day.

Notwithstanding the oath taken by King Stephen, Danegeld, we find, had not been wholly abolished at this time, as the Sheriff in the Pipe Roll of this reign returns £28 15s. for it, and £4 fine for a murder in Sumerdene. The name of Cade appears very frequently in this Kentish Roll.

England, especially Kent, was free from any lengthened civil or internal wars during this and the following reign, and its inhabitants were thus enabled to improve the cultivation of the soil, and advance in civilization. The little to be said of the Weald at this period shall be noticed in Chapter XXXI.

Henry died on 6th July, 1189, in wretchedness and misery of mind and body, uttering imprecations against his undutiful children. He was in the fifty-fifth year of his age, and the thirty-fifth of his reign. His only surviving sons were Richard and John, but he left a grandson Arthur, by his deceased son, Geoffrey. Henry was a gifted monarch, but without saving grace. His reckless marriage and dissolute life raised him up "a mortal enemy in his own house," and his greediness for the territory of others involved him in wars, which ended in his dying a fugitive from his own children.

With the exception of about eight months, the whole of the ten years which Richard I. (the eldest surviving son of Henry II.) reigned over England (1189 to 1199) were spent abroad, a large part being employed in the Crusades. He is the first King of England who can be said to have ascended the throne without the form at least of an election. One of his earliest acts was to

Richard I.
A.D. 1189
to 1199.

Allen, p. 45.

CHAP. XXIX. release his mother, Queen Eleanor, who for nearly sixteen years had been imprisoned by her faithless husband.*

Richard placed the government of the kingdom in his mother's hands during his intended absence, and she (according to Matt. Paris), who had been so long deprived of her liberty, felt for the captive, and opened many a prison door while travelling through her son's dominions.

Soon after the King's coronation, which took place on the 3rd September following his accession, he visited the north. John of Anagni (a Cardinal, and Legate from the Pope) landed at Dover, but as her son was absent, Queen Eleanor prohibited his proceeding beyond Canterbury without the King's authority. So he remained there for thirteen days at the charge of Archbishop Baldwin. During this interval "a direction was taken for the quieting of the controversy betwixt the Archbishop and the monks of Canterbury, about the chapel church of Hackington, now called St. Stephen;" for it would appear that towards the close of the last reign the Primate, at the suggestion of Henry II., and with the licence of the Pope, had commenced erecting a college there for secular canons, in honour of St. Stephen and St. Thomas "the Martyrs," to be supported by a portion of the offerings made at Becket's shrine, and with an ulterior object of depriving the monks of Christ Church, Canterbury, of the right of interfering in the election of Archbishops. For this purpose men who could rival the monks of Christ Church in learning, were to be selected by the King and Bishops of the provinces, each nominating one; and these new canons were to elect the Archbishop, subject to the approval of the Crown. A magnificent pile of buildings was nearly finished, when the enraged monks of Christ Church, by their unwearied exertions, and, according to Harris, "their never-failing method of bribery," obtained a mandate from

Holinshed,
Vol. II., p. 208.

p. 531.

* She was first imprisoned in the year 1173, but was set at liberty for a short time in 1184, on occasion of a visit to England of her daughter Matilda with her husband, Henry of Saxony; but they had no sooner departed than she was again placed in confinement.

Pope Urban to stop the completion of the edifice. Archbishop Baldwin was residing at his Manor-house at Wingham at this time, and two of the monks were sent from Canterbury to serve the process; the Primate received it, but to punish the monks for what he considered an act of insolent insubordination, he dismounted them, and sent them home on foot. Urban then appointed the Abbots of Battle, Faversham, and St. Augustine to enforce its execution, which they prepared to do, when Glanville, the Grand Justiciary, forbade them to proceed. Henry on this occasion supported the Archbishop against the Pope, and Baldwin not only would not allow the monks to hold their usual manor courts, but seized their possessions. The Pope on this wrote to the King, but dying soon after, was succeeded by Gregory VIII., who was a friend of the Primate. This encouraged Baldwin to proceed with so much rigour against the monks that their revenues were all impounded, and they were compelled to live on alms. Gregory, however, also soon died, when his successor, Clement III., befriended the monks, and commanded the Prior of Faversham to excommunicate those who had been guilty of violence against them. This mandate the Prior obeyed, but the secular clergy in Canterbury slighted it. In the name of the King and Archbishop they forbade their parishioners to avoid the society of the excommunicated persons, and went so far as to say in their sermons, "*the Pope's sentence had no force in the Archbishop's diocese.*" Some citizens of Canterbury, including a nephew of Becket, supported the Pope, and they were committed by an order from the King to prison in Canterbury; but Henry's death put a stop to the controversy. By the favour of the Cardinal the monks were at last triumphant, and the Pope's Bull was enforced for pulling down such portions of the building as had been erected. A small chapel was built at the foot of St. Thomas' Hill, Canterbury, which took its name from the martyr; but the chief part of the materials was employed in building a church at Lambeth, a place that had just

CHAP. XXIX.

Lyttleton's
Hen. II.,
Vol. VI.,
p. 311.

CHAP. XXIX. — come into Baldwin's possession by exchange with the Bishop of Rochester.

On his return from the north the King held a great council of the realm at Canterbury, which was attended by William, King of the Scots, and a numerous retinue, who met him as he crossed the borders and accompanied him to Canterbury, where Richard relinquished all claim to the sovereignty of Scotland. The charter is dated at Canterbury, 5th December, 1189, and on the same day the King left that city, and proceeded with a large army by Dover and Calais for the Crusades, being joined at Vezelai by Philip of France. Among his associates were Archbishop Baldwin, who died in the Holy Land, Sir Robert de Thurnham,* renowned for valour,

"Robert of Thurnham with his fauchion
Gan to cracke many a crown."

Rob. Glouc.†

and Hugh Nevill, the chief Forester of England—all great favourites of Richard.

"The strength of Hugh a lion slew."‡

Richard placed Longchamp (a Norman of obscure birth, who was his Chancellor and Bishop of Ely) regent over the south, and the Bishop of Durham over the north, and amply provided for his brother John, whose fidelity he doubted. The Regents soon quarrelled, and Longchamp, who had a retinue of 1,000 horsemen, assumed the government of the whole kingdom. Pope Clement, whose Legate he was, took part with him.

A report from his mother, of Longchamp's proceedings, reached Richard, and he sent Walter, Archbishop of Rouen, to England, to be joined with Longchamp in

* His father, also named Robert, founded the priory of Combwell, in Goudhurst, about 1160.

† Robert of Gloucester makes King Richard mourn his loss, while Hasted says he lived to serve under King John, and was present with him at Lincoln when the King of Scots did homage to John. We shall meet with Robert of Thurnham in the next reign.

‡ Tradition says that Hugh Nevill killed a lion, though the King has he credit of it; only based on an idle fancy as to the origin of the appellation "*Cœur de Lion*."

the regency. The Chancellor would not consent to a division of his power, and Richard's brother John then took up arms against him; but as each was bent on his own personal advancement, to the prejudice of the sovereign and the nation, they soon settled their differences. The See of York was at this time vacant (1192), and Longchamp, who had wasted its revenues, opposed the election of an Archbishop; but Geoffrey, the King's natural brother, was at last consecrated by the Archbishop of Tours. He was on the point of returning to England to be installed, to the annoyance of Longchamp, who wrote the following letter to Matthew de Clare, the Constable of Dover Castle, which is very significant of the power he had acquired :—

"We command you that if the elect of York shall arrive at any port or haven within your bailiwick, or any messenger of his, that you cause them to be arrested and kept, till you have commandment from us therein. And we command you likewise to stay, attach, and keep, all letters that come from the Pope, or any other great man.

Holinshed,
Vol. II.,
pp. 226, 228.

When Geoffrey arrived at Dover, he was accordingly detained* by Matthew de Clare. This kindled a flame in the nation, which was fanned for his own purposes by Earl John, and the Archbishop was soon set at liberty. The Londoners took part against Longchamp, and his fall was rapid. He hastened to Canterbury, where he was compelled to lay down his legate's cross in the Cathedral, and he was then cast into prison. Having promised to become a pilgrim and visit the Holy Land, he was released, and proceeded from Canterbury to Dover, intending to pass over to France; but he was so hated, that having to wait for a passage he walked along the shore, disguised in female attire, and holding a web of cloth on his arm. This, however, did not save him, for he was detected and roughly handled by the Dover fisherwomen ;

Rapin,
Vol. I., p. 249.

Harris, p. 102.

* Some writers say that Geoffrey landed in a layman's dress, mounted a swift horse and reached the Monastery of St. Martin, in Dover, while others say it was St. Martin, Canterbury, where he took sanctuary. At whichever place it was, he was speedily dragged from the altar in his vestments through the dirty streets and delivered to de Clare.—*Hoveden*, p. 701 ; *Gervas*, p. 1576.

CHAP. XXIX. he was rescued and permitted to return to Normandy, the place of his birth.

Richard's heroic actions in the East, his detention as a prisoner in Germany, the sending of the Abbots of Boxley and Robertsbridge in quest of him, John's usurpation, the raising and payment of the King's ransom, his return to England and landing at Sandwich (20th March, 1194) after an absence of four years, his walking from Sandwich to Canterbury to return thanks in the Cathedral for his deliverance, the warm reception he met with from his subjects, and the war which followed between France and England, must all be passed over. Richard received a mortal wound from an arrow before Chaluz, the castle of a rebellious vassal in the province of Limousin, and died April 6th, 1199. His body, according to his order, was buried at the feet of his father, at Fontevraud, but his heart he bequeathed to the city of Rouen.

In this reign, Allan de Valeines was Sheriff of Kent, and resided at Ripton, in Ashford. The following entries on the Pipe Roll, which form part of his account "of the farm of Kent," are interesting from their great antiquity, and as serving to identify places :—

1 Ric. I.

"And in lands given to the Knights Templars, 6*l.* in wheat, in *Dele* [Deal]. * * * * * And to Christ Church, Canterbury, 25*l.* in money, in Middeltone, to complete the 40*l.* of land which the King gave to God and St. Thomas. * * * * * And in lands given to Hamon de Tikesy, 6*l.* 9*s.* 9*d.* in Middelton hundred. * * * *

"Concerning the pleas of William de Ver and his associates, * * * Hubert de Rulvinden owes half a mark, because he had no one to become pledge [surety]. * * * *

"The same Sheriff renders an account of 10*s.* from Rulvinton hundred for murder. * * *

"The same Sheriff renders an account of 4*l.* 13*s.* 4*d.* of the farm of Aldinton, the heir of which is in the King's custody. He delivered it in treasure, and is acquitted."

CHAPTER XXX.

KING JOHN.

RICHARD I., we have seen, died 6th April, 1199, and he left no legitimate issue. Again there were two competitors for the throne, John* and his nephew Arthur, Duke of Brittany. John was nearest in blood to the late King, and was with him at his death, when Richard, it is said, declared him his successor to all his dominions. Arthur was, however, the son of Geoffrey, the elder brother of John. Normandy and Guienne acknowledged John, while the remainder of the French dominions of England declared for Arthur. Allen calls John "an usurper," and in the present strict order of our hereditary succession this is no doubt correct, but the matter was not so regarded in those days. It was the practice in Saxon times, we have seen, to bestow the crown on the most suitable person of the Royal Family, without much regard to the absolute nearness of his relationship to the deceased. Thus the great Alfred became King, to the prejudice of his nephews.

CHAP. XXX.

Royal
Prerogative,
p. 45.

Wishing to secure the Continental territories of his late brother, John remained in France,† and despatched some

A.D. 1199.

* John was surnamed *Sansterre* or *Lackland*, an appellation common to younger sons. Bromton says his father gave him the nickname, because he left him to be provided for by his elder brother.

† John succeeded in inducing Robert of Thurnham to surrender to him the cities of Saumur and Chinon and all the other castles in his custody as Governor, as well as all the treasure of the late King, together with Angers, which was held by Thomas de Furnes, the nephew of Robert of Thurnham.—*Rapin*, Vol. I., p. 216.

CHAP. XXX. of his warmest supporters to England, who by threats and promises won over Richard, Earl of Clare, Lord of Tonbridge, and other nobles and barons, and induced them to take the oath of fealty to him at a great council held at Northampton. After this, John repaired to England, and landed at Shoreham, in Sussex, 25th May, 1199, and was crowned the next day, being the festival of the Ascension, a moveable one; and as his reign was calculated from this feast, and not from the day of the month, or the day of his brother's death, every year of his reign commenced on a different day from the preceding one. John was crowned twice in the ordinary manner, and he even repeated the ceremony a third time for a special purpose.

On the first occasion he was crowned at Westminster by Archbishop Hubert as an elected Sovereign; again at the same place with his beautiful Queen Isabella of Angoulême, after he had obtained a divorce from his first wife Hadvisa or Johanna, heiress to the Earldom of Gloucester,* on the ground of relationship within the prohibited degrees. His third coronation was somewhat peculiar.

Hitherto there had been no Synod held in England without the Sovereign's consent. Pope Innocent III., however, was desirous of depriving Princes of all ecclesiastical power, and Hubert, the Archbishop, directed by the Pope, began to disregard the commands of the King, for whom he had previously expressed such great attachment. So he convened and held a Synod, notwithstanding a prohibition from the King's Justiciary. This was followed by a foolish worldly display on the part of the representative of Him who declared His kingdom was not of this world. The King kept his Christmas with regal dignity at Guildford, and the Archbishop affected to keep his Christmas at Canterbury with equal

A.D. 1201.

* He had been compelled to marry her when they were both young; but her estates, however valuable to John as Earl of Mortaigne, were of little consequence to the King of England.—*Lingard*, Vol. II., page 150.

pomp and splendour, which so piqued the King, that to punish his vanity John caused himself to be crowned again at Canterbury on Easter Day (25th March, 1201), solely with a view to put the Primate to a great expense. Thus a quarrel between the King and the Archbishop was the occasion of the third coronation.

CHAP. XXX.
Rapin,
Vol. I., p. 203.

We will pass over the war with France, the capture (1st August, 1202), imprisonment, and murder of Prince Arthur. Tradition says he was put out of existence by John's order, if not murdered by John's own hand, an imputation he never took the trouble to deny; and before the end of 1204 Normandy, Anjou, Maine, and Touraine were rent from the Crown of England.

While the King was experiencing these humiliating defeats abroad, he did not lose sight of his position at home, but wrote from Verneuil, in Normandy, 9th Jan., 1208, to his Justiciary (Geoffrey Fitz-Pierre, Earl of Essex), and Reginald de Cornhull, the Sheriff of Kent (who appears to have been a faithful adherent of the King), commanding them to deliver up the Castle of Chilleham [Chilham] to the Earl of Leicester, "to guard it so long as shall please us." This mandate does not appear to have been obeyed, for on the 25th of February following he wrote again to the Sheriff from Rouen, in Normandy, commanding him without delay to deliver the Castle to Thomas de Erlege, the Earl's steward. The letter concludes, "Know thou that we should not have sent it to thee by thy clerk unless we wished it to be done."

A.D. 1203.

Patent Roll,
4 John,
memb. 6.

Ib., memb. 4.

Towards the close of 1208 John returned from France, landed at Portsmouth and proceeded at once to Canterbury, where he kept his Christmas festival with great solemnity.*

During the Primacy of Hubert there was a great and long controversy between the King and the monks of Saint Augustine touching the right of the patronage of

* Harris and Hasted say this was in 1204; but this must be an error unless the King was at Canterbury on two successive Christmas-days.

CHAP. XXX. the Church of Faversham. The Archbishop persuaded King John that the advowson was vested in him, and a vacancy having occurred, the King presented and sent his clerk to Faversham to be admitted. The Abbot and monks of Saint Augustine refused to comply with the mandate, ejected the clerk, took possession of the church by force, and held it. Upon this the King ordered Reginald de Cornhull, the Sheriff, to raise the *posse comitatus* and restore his presentee. In doing this they had to resort to violence, and according to Lambarde were driven to eject the monks "by the hair and heels." Several were beaten and wounded in the affray. John, Cardinal of St. Stephen, the Pope's Legate for Scotland, happening to be passing through Canterbury at the time, sojourned at the Monastery, when the Abbot and monks formally complained of the arbitrary conduct of the King, and were of course advised to appeal to the Pope, who appointed a Commission to enquire into the matter. In the meantime the monks bribed King John with 200 marks and a fine palfrey, and thus secured his future protection.

Harris, p. 123.

Hubert, the first Archbishop that was made a Chancellor, though Chancellors had been made Archbishops, died on 13th July, 1205, at the Manor House at Teynham in this county, where he and some of his predecessors frequently resided.* He was buried in Canterbury Cathedral. The Archbishop's death was attended with more serious results to the King than the war with France in which he was involved, though when informed of it, he declared "he never was King till then."

A dispute had for some time existed as to whether the Archbishop of Canterbury was to be chosen by the monks of Christ Church in that city or by the Suffragan Bishops of the Province. The Bishops were at this time under the

* According to Lambarde, Teynham had not, in his day, an enviable notoriety for its salubrity :—

"He that will not live long,
Let him dwell in Murston, Tenham, or Tong."

influence of the Crown, and the Monks under that of the Pope. The *real* question at issue was, whether the nomination was in the King or the Pope.

CHAP. XXX.

Mackintosh,
Vol. I., p. 205.

The baronies annexed to the Bishoprics gave the possessors considerable influence; it was, therefore, of importance that they should not be bestowed on the King's enemies. The Sovereign, in truth, not only nominated, but had the power of exercising his veto when the Bishop elect was presented for approval. Thus the election was a mere matter of form.

Where Cathedral churches had been settled in monasteries the monks claimed to exercise all the rights of the Chapter. This was of minor importance except in the See of Canterbury, where the Archbishop enjoyed so elevated a position in Church and State, that his election interested both King and Prelates. The latter claimed the concurrent, if not the exclusive election. On the death of each Archbishop this right was disputed by the monks of Christ Church. The King always sided with the Prelates; still the monks would not surrender, and when compelled to yield, they would not permit it to appear that they acquiesced. As soon as Hubert's death at Teynham was known in Canterbury, the junior monks assembled *clandestinely in the night* and placed their sub-Prior Reginald on the Archiepiscopal throne in Canterbury Cathedral, without the Royal license or concurrence of the Prelates, and at once sent him to Rome for the Pontiff's approval. A deputation from the Bishops of the Province of Canterbury followed him with a protest against his election. The King wished to secure the appointment for his justiciary, John de Gray, Bishop of Norwich, and hastening to Canterbury two days after the death of the Primate, called the brotherhood together, and secured the election of de Gray. John again visited Canterbury in December, 1205, and on the 11th of that month he wrote to the Pope and despatched six monks with authority to act for the whole body. The Pope, however, set aside the elections of both Reginald and the Bishop of

Lingard,
Vol. II., p. 155.

Patent Roll,
7 John,
memb. 1.

CHAP. XXX. ——— Norwich, and the monks in Rome on his mandate elected Stephen Langton, an Englishman, whom the Pope himself consecrated at Viterbo. John, incensed at this, declared that Langton should not set foot in England. The Pontiff wrote to soothe the Monarch, but to no purpose, and it became evident that there was to be a trial of strength.

I may here remark that until the last year of his reign, John appears to have possessed the attachment and loyalty of the men of Kent; though it must not be forgotten that bands of foreign mercenaries were constantly landing on our coast, to serve under him as they had done under King Stephen, and they no doubt over-awed the inhabitants.

John first addressed a letter, dated March 11, 1208, "To all the men of Kent," in which he informs them that Master *Simon de Langton* had come to him at Winchester and demanded before the bishops there that he should receive his brother as Archbishop of Canterbury, and put himself at his (the Archbishop's) mercy. The King tells them that he writes this "that they may learn the evil and injury thus done to him." Instead of complying with this demand, he issued his writ, directed to the citizens of Canterbury, the King's men of Middleton (Milton), and to all the knights and free tenants of Kent, commanding them to do those things which Fulk de Cantilupe and Reginald de Cornhull (the Sheriff) should intimate to them on the King's behalf concerning the monks of Holy Trinity, Canterbury, and in default the King would seize their bodies and chattels.

Thus instructed, a body of armed men drove the monks from their convent, compelled them to cross the sea, and took possession of their lands for the Crown. As a reprisal, the Pope laid the whole kingdom on a certain day under an interdict. By way of rejoinder, John next ordered his Sheriff in every county to seize for his own use the property of every man who should obey the Pope's interdict. The appointed day arrived (the Monday after Palm Sunday, March 31, 1208), and all the churches were closed, no bell tolled, no service was solemnly performed :

Ante, p. 330.

Patent Roll,
9 John
(memb. 12).
A. D. 1208.

Ib., memb. 6.

the dead were buried in unconsecrated ground, sermons were preached on the Sundays in the churchyards, while marriages and churchings took place in the porch of the edifice.

CHAP. XXX.

Much of the King's time was now spent in Kent, Sussex, and Surrey. On four different occasions during the years 1209, 1211, and 1213 he visited Chilham Castle;* and at one of these visits, according to Lambarde, he met Archbishop Langton with a view to a reconciliation.

For four long years John affected to despise the thunder of Rome. Innocent, thus finding his "apostolic artillery" of no avail, proceeded to absolve the vassals of the King from their oath of fealty, and exhorted them to dethrone him. In Philip of France he found a willing son of the Church, who was ready to obey the pontiff and at the same time gratify his own ambition. He soon prepared a fleet, and assembled a large army for the purpose of invading England. The King, aroused by this intelligence, appealed to his barons. Among the few who continued faithful to him were Hugh Nevill, the chief Forester, William de Wrotham, Warden of the Ports, and Reginald de Cornhull, Sheriff of Kent. He next summoned all his tenants in chief to meet him at Dover under pain of forfeiting their fiefs; there being no standing army at this time. Every man able to bear arms was ordered to the coast of Kent under the penalty of "culvertage,"† and the fleet was ordered to assemble at Dover. The King's orders were so urgent, and his threats were so effectual, that in a short time he assembled in Kent more troops

A.D. 1213.

Holinshed,
Vol. II., p. 306.

* The honour and castle of Chilham were held at this time by a military service in defence of Dover Castle, and its custodian was often changed. Richard, the natural son of King John, married Roesia, or Rose de Dover, who inherited it as the granddaughter of Richard de Lucy, oftentimes called Richard de Dover; and John, in consequence of this marriage, restored it with other estates to "Richard our son" in right of his wife.

Ante, p. 355.
Patent Roll.
16 John,
memb. 15.

† To be guilty of culvertage was to be a turntail. The culprit forfeited all his property, and was liable to perpetual servitude.

The summonses for assembling the army were directed to the Sheriff in each county, and for the ships to the bailiffs of the sea ports.

CHAP. XXX. and ships than he could maintain,* which compelled him to send away a part of his fleet, and to reduce his army to 60,000 of the most warlike men, who were encamped and awaiting the threatened invasion on Barham Downs.

Barham
Downs.

Ante, p. 14'.

Lingard,
Vol. II., p. 164.

Vol. II., p. 30'.

These Downs (upon which a Roman encampment was once formed) have acquired in East Kent almost as much celebrity as Penenden Heath in West Kent. Gradual enclosures, if not encroachments, have lessened the extent of both. Hasted says in his day the Downs were upwards of four miles in length, and about a mile in width in the medium, with rising ground towards the east and sloping towards the south. The road from Canterbury to Dover, with the names of the villages, have nearly all been preserved from our earliest history. Taking the names from Domesday (with the exception of the two first), we have, on quitting Canterbury, *Kasernstrete* [Cæsar's Road], in modern times called the Old Dover Road; *Natincoldene* [Nackington]; *Brige, Burnes* [Bishopsbourne]; *Berham* [Barham]; *Sibertsvalt, Colret* [Coldred]; *Etucelle* [Ewell]; *Bocheland* [Buckland]; *Cerlentine* [Charlton]. Edisham [Adisham] downs to the north, with Barham Downs, must, in King John's time, have formed one vast, wild, and unenclosed district, and was an eligible spot for the encampment of 60,000 men. A considerable portion of this army were Flemings; about 12,000 were Welshmen. As the English and foreign knights reached Canterbury (May, 1218) to join the army, they received gratuities from the King.† Holinshed says, if this army of 60,000 had all been of one mind, and bent on the service of the King and defence of the country, there was not a prince in Christendom who could have withstood them; but of that portion which comprised his own subjects, how

* The King retained only "the men of arms, yeomen, and freeholders," with the cross-bow men and archers. "There came likewise to the King's aid at the same time the Bishop of Norwich, out of Ireland, bringing with him 500 men of arms, and a great sort of other horsemen."—*Holinshed*, Vol. II., p. 303.

† John had a mint at Canterbury.

few there were on whose fidelity he could depend. The barons had at last become his implacable enemies. CHAP. XXX.

The fleet assembled on our coast sailed across the channel, captured a squadron in the mouth of the Seine, destroyed the ships in the harbour of Fecamp, and burnt the town of Dieppe.

While the two monarchs were with equal ardour preparing for the further destruction of human life, John, who had taken up his residence at Temple-Ewell, near Dover (7th May, 1213), was informed of the arrival, on the opposite coast, of Pandulph, an envoy from Rome. He invited him to England, and we need not stop to record the degrading resignation of the British Isles by the King to Pandulph, the representative of the See of Rome. The King of France was at once solicited by the Pope to abandon his threatened invasion of England; but before he could make up his mind to do so, he resolved on punishing the Earl of Flanders, who had opposed the invasion of England. John hastened to the Earl's assistance; 300 French sail laden with military stores and provisions were captured by the Cinque Ports Fleet, and more than 100 vessels were burnt by the English. This was the first formidable conflict on the sea between the two nations.

Mackintosh,
Vol. I., p. 209.

One of the stipulations exacted from the monarch by Pandulph was that Langton should be acknowledged Archbishop of Canterbury, that all the outlawries should be reversed, and the exiles restored to their possessions before the interdict and excommunication should be rescinded. John submitted, and invited Langton and the exiled Bishops and monks of Christ Church, Canterbury, to return. They assembled at Winchester, John was reconciled to Langton (who throughout his primacy appears to have exercised his powers as became an Englishman), and the sentence of excommunication was publicly revoked at the entrance of the Cathedral. The losses of the sufferers, clerical and lay, during their exile were enormous; their property had been pillaged, woods felled, and houses burnt. The King was unable to meet their

CHAP. XXX.

demands, but a compromise took place, and the interdict was at last removed, followed by a Charter to the clergy confirming their right of free election.

From this time until the death of John we shall find the Pontiff no longer espousing the cause of the Primate and barons, but siding with the King.

"An inglorious campaign in France was followed by a still more inglorious contest with the Barons in England," which resulted in securing the great Charter at Runnymede on 15th June, 1215.

A.D. 1215.

One of the first acts of the King after granting Magna Charta was to restore Rochester Castle to Archbishop Langton. He then secretly departed to Southampton and crossed over to the Isle of Wight, from which place he dispatched the Bishops of Worcester and Norwich and his Chancellor to seek counsel from the Pope, who in vain attempted to succour him by excommunicating the Barons, and absolving the King from the oaths he had taken to them without his (the Pontiff's) consent as lord paramount. He also laid the lands of the Barons under an interdict. They, however, remained true to their country and the glorious cause they had espoused.

Lingard,
Vol. II., p. 181.

John next sailed with his faithful fleet from the Isle of Wight to Dover, to meet the mercenary soldiers which he had again collected, with the assistance of the Earl of Flanders and other foreign potentates, consisting partly of soldiers by profession, accustomed to sell their blood to the highest bidder, or needy adventurers who brought with them their wives and families. The Barons became alarmed, and ordered William D'Albiny to take possession of Rochester Castle (which Archbishop Langton had delivered up to them), and put it in a state of defence. Before he could do this effectually, John hastened from Dover with his army to attack it (18th October, 1215). The garrison consisted of ninety-four knights besides demi-lances and other soldiers, who manfully defended it. The Barons were in possession of London, and had taken an oath that if Rochester Castle was attacked they

would aid the besieged. They accordingly proceeded with their forces as far as Dartford, when hearing that the King was approaching to give them battle, they feared to face the Royal army, returned to London, and left its defenders to their fate. The Castle was repeatedly assailed and as obstinately defended for seven weeks, and when the sappers had thrown down part of the outer wall the garrison withdrew into the keep. By means of a mine one of the angles was shattered. The King urged his men to force their way through the breach, but every assault was repulsed with loss. Thus far John had met with a succession of disappointments, but famine at last achieved what the besiegers failed to accomplish, and when D'Albiny and his companions had consumed their last meal they suddenly opened the gates and threw themselves on their Sovereign's mercy (December, 1215).

CHAP. XXX.

Holinshed,
Vol. II., p. 325.

Lingard,
Vol. II., p. 181.

"According to Holinshed, quoting 'The Book that belonged to Birnewell Abbey,' there had been no siege more earnestly enforced nor more obstinately defended, for that after all the limbs of the castle had been reversed and thrown down, they kept the master tower till half thereof was also overthrown, and after kept the other half till through famine they were constrained to yield, having nothing but horseflesh and water to sustain their lives withall."

Vol. II., p. 325.

John would have hanged all the insurgent leaders he found in it, and had issued the order, but fearing the Barons might retaliate, he consigned the chiefs as prisoners to different castles. According to Wendover, he distributed the prisoners of inferior rank as presents among his retainers; while Matthew Paris says the ordinary soldiers, except the cross-bow-men, were all hanged.

The King then divided his army and went northward with one part of it, and on the 18th of December, 1215, the garrison in charge of Rochester Castle proceeded to Tunbridge and took that castle, belonging to the Earl of Clare,* who, with his brother and Robert Fitzwalter,†

A.D. 1215.

Holinshed,
Vol. II., p. 327.

* Lambarde says "Falcacius (a hired soldier that was entertained by King John during the wars with his nobility) took by force this castle from the Earl of Gloucester, and kept it for a season on the King's behalf."

† From whom the present Baron Fitzwalter claims to be descended.

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had been excommunicated by *name* by the Pope. The remainder of the Royal army under the command of the Earl of Salisbury (the King's natural brother), wasted the counties round the metropolis, where the chief strength of the Barons lay. The Men of Kent seem to have been treated as adherents of the Sovereign, for though Essex and Hertford were ravaged, Kent appears to have escaped.

Rapin,
Vol. I., p. 278.

The Barons in an evil hour now called in foreign aid, and offered the Crown of England to Louis the Dauphin, the eldest son of Philip, King of France, who, notwithstanding a prohibition from the Pope, sailed with a fleet of about 700 vessels from Calais* for the coast of Kent. The weather was stormy, the ships were dispersed, and many of them were taken by the mariners of the Cinque Ports. Louis at last arrived with his army at a place in the Isle of Thanet called Stanhore, according to Matthew Paris. Holinshed calls it Stanchore [Stonar†].

p. 331.

A.D. 1216.

They disembarked at Sandwich, 30th May, 1216, and encamped on the shore for three days, where they remained without molestation. The Abbot of Saint Augustine received directions from the Pope to pronounce Louis excommunicated the moment he set foot in England, which duty he performed.

John hastened to Dover, where his army was encamped, intending to attack his enemies on their way to London; but doubting the fidelity of his mercenary troops, he first provided for the wants of the Castle, where he left the brave, renowned, and faithful Governor, Hubert de Burgh, in command; and then returned to Canterbury and proceeded to Winchester.‡

* Witsand, which had for centuries been the usual place of embarkation from France to England, about this time gave place to Calais.

† According to Somner, Stonar is a place of greater antiquity than Sandwich. He says that during the reign of William Rufus there was a great dispute about it between the Londoners and the Abbot of St. Augustine and his men. The Londoners claimed it as a seaport subject to their city. The King decided in favour of the Abbot. Stonar is not mentioned in Domesday, as Minster was paramount; it is sometimes written in ancient records *Eastanore*, or the eastern border, shore, or coast.

‡ *Vide* King John's Itinerary at the close of this chapter.

Louis at once marched with his army to Canterbury, took possession of the Castle, and then moved on to Rochester, which made but a faint resistance. Holinshed says he caused all the strangers [mercenaries] found in it to be hanged. Up to this time the Ports, and indeed the whole county of Kent, awed it may be presumed by the King's foreign auxiliaries, remained faithful to John, but the taking of Rochester drew the entire county (except Dover) to the standard of the Dauphin, to whom they swore fealty. From Rochester Louis proceeded to London, where the Barons also swore fealty to him. The Pope now sent his Legate to England to publish the Bull of excommunication against the Barons.

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Rapin,
Vol. I., p. 278.
Vol. II., p. 331.

The Dauphin, though never crowned, appears to have assumed the powers of an English Sovereign, and he appointed the Archbishop's brother, Simon Langton, his Chancellor. With the help of many of the Flemish and foreign troops whom he enticed away from the King, Louis became master of most of the southern counties, and met with no resistance except during his progress through that part of our Forest or Weald which is situate in Sussex, when, according to Holinshed,

Vol. II., p. 332.

"A young gentleman in those parts named William de Collingham, being of a valorous mind and loathing foreign subjection, refused to do fealty to Louis, and assembled 1,000 archers, keeping himself in the woods and desert places, whercof the country is full, and so during all this war showed himself an enemy to the Frenchmen, slaying no small number of them, as he took them at any advantage. O worthy gentleman of English blood!"

The Barons in the north requested Louis to complete the conquest they had commenced; but while preparing for the expedition, he received a letter from the King, his father, upbraiding him for leaving the castles of Dover and Windsor in the hands of John; upon which the English barons with their own troops invested Windsor, while Louis marched back to besiege Dover. Having taken prisoner Thomas de Burgh, the captain of Norwich Castle, Louis hoped, by offering to release him, to induce his brother Hubert to yield up the Castle; but to no purpose.

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Hubert still valiantly defended it, and Louis, despairing of securing it by force, threatened to hang Hubert's brother; this expedient also failed. He then attempted, without success, to bribe Hubert. Louis had received from his father a military engine of a most formidable description, called the *mal-roisin*, or bad neighbour, with which he expected to make a breach in the walls, but the garrison succeeded in keeping the besiegers at too great a distance for this engine to be of any service. Having declared he would not quit Dover until he had secured the castle and put all within it to death, Louis was compelled to turn the siege into a blockade, and was so employed, but to no purpose, for four months.*

The French and English troops being thus occupied in besieging Dover and Windsor Castles, John marched into Norfolk and Suffolk, where he committed great ravages. Jealousies of their foreign allies now began to spread among the insurgent barons. They saw Dover still in the hands of the King, and the men of the Cinque Ports faithful to him, and constantly intercepting the supplies from France. Most of the places of strength continued to be garrisoned by John, and the royal cause began to assume a more promising aspect. To stimulate his friends he had not been sparing of promises, as may be seen from the following letter addressed to the men of Kent and the inhabitants of the adjoining counties, little more than a month before his death :—

Patent Roll,
18 John,
memb. 2.

"The King, etc., to all those who are sworn together of the counties of Kent, Sussex, and Surrey, and Southampton, and confederated for his fidelity and service, greeting. We render you many thanks for this, that you have confederated together for our fidelity and service, and have returned together, [*"et adinvicem reversi;"*] and we request you that you will constantly persevere in our service and fidelity, and faithfully adhere to us, notwithstanding the oath taken by you, though unwillingly, to Louis, son of the King of France; for we have conceived no rancour of mind or anger against you by reason of that oath, and if we conceived any we entirely remit it to you. Whereas, therefore, the time is now

* To the courageous conduct displayed by Hubert de Burgh on this occasion, Lambarde imputes the delivery of the realm from the peril of foreign servitude.

present when you can give us succour, we command you, requesting that you will be prompt and prepared to come at our command wherever we shall command you, knowing for certain that we will reward you with such benefits and with such rewards, and will so preserve your ancient liberties and so augment them thus preserved, that you will be bound to render us perpetual thanks; and that by example of your reward and of the amplification of your liberties, others will the more eagerly and willingly aspire to our obedience. And in witness of this thing, etc., we transmit [this letter] to you. Witness myself, at Oxford, the 3rd day of September, in the eighteenth year of our reign. Moreover, those who enjoy no liberty we will endow with such liberties and honours that they will be bound to render us perpetual thanks. Witness the same in the same year."

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If the life of John had been prolonged, it is very doubtful what the issue of the struggle might have been; but while he was attempting to ford the Wash at low water from Cross-Keys to the Fossdyke, and had crossed it himself with the greater part of his army, the return of the tide suddenly swept away the carriages and horses that conveyed all his baggage and treasure. This brought on fever, and he died 19th October, 1216, at Newark Castle, having previously appointed his son Henry to succeed him, and having directed his body to be buried at Worcester, near the shrine of St. Wulstan. Though this ruler (according to Macintosh) was the most contemptible of princes, his reign was perhaps the most memorable portion of our ancient history.

Vol. I., p. 197.

Creasy tells us that the character and conduct of King John truly exemplify the evil qualities of a despot as defined by the "Father of History:"

p. 106.

"He subverts the laws and usages of the country, he violates women, and he puts people to death without trial." * * * His character had a most important effect on our Constitutional history. * * * At his death he left England torn by civil war and foreign invasion, both of which had been caused by his perfidy and tyranny."

While Macaulay writes:—

"Had John inherited the great qualities of his father, of Henry Beauclerc, or of the Conqueror; nay, had he even possessed the martial courage of Stephen, or of Richard, and had the King of France at the same time been as incapable as all the other successors of Hugh Capet had been, the House of Plantagenet must have risen to unrivalled ascendancy in Europe. But just at this conjuncture, France for the first time since the death of Charlemagne was governed by a Prince of great

Vol. I., p. 16.

CHAP. XXX.

firmness and ability. On the other hand England, which since the battle of Hastings had been ruled generally by wise statesmen, always by brave soldiers, fell under the dominion of a trifier and a coward. From that moment her prospects brightened. John was driven from Normandy. The Norman nobles were compelled to make their election between the Island and the Continent. . . . The first pledge of a reconciliation between the English and the Normans was the Great Charter won by their united exertions. Here commences the history of the English nation."

Sir Thomas Duffus Hardy has prefixed to his edition of the Patent Rolls, King John's Itinerary, which he derived from the dates of the various entries on the Rolls. I will close this chapter with extracts from such portions of it as are more immediately connected with this monarch's proceedings in Kent, and such as are likely to interest the local reader. John appears to have been constantly on horseback, and rapidly proceeded from one part of the county to another. The dates will be found to correspond with those already recorded in describing the events of his reign.

- A.D. 1199, June. "Northampton, 9th; Canterbury, 12th; Shoreham, 16th to 20th. The King returned to Normandy, 29th.
- 1201, March. "Chelmsford, 21st; Faversham, 24th, 25th; Canterbury, 25th to 28th." After a journey to the west, the King proceeded to France.
- 1203, Dec. "John having just returned from France proceeded to Canterbury, 25th (where he kept the festival of Christmas); Sutton [at Hone], 26th, 27th.
- 1204, Nov. "Canterbury, 6th, 7th; Winchester, 8th.
- 1205, April. "Southwark, 14th; Rochester, 14th to 16th; Dover, 16th to 18th.
- " July. "Canterbury, 15th to 20th; Rochester, 20th; Bexley, 21st; Rochester, 22nd; Windsor, 23rd.
- " Dec. "Lambeth, Rochester, Canterbury, all on the 1st; Canterbury, 2nd, 3rd; Lambeth, 4th to 6th; Sutton [at Hone], 8th; Canterbury, 10th to 13th; Rochester, 13th." The King then went to the west.
- 1206, March. "Lambeth, 24th; Croydon, 24th; Otford, 26th to 28th; Oare, 29th; Rochester, 29th, 30th.
- " April. "Canterbury, 2nd, 3rd; Dover, 3rd, 4th; Romney, 4th, 5th; Battle, 6th; Malling (Sussex), 7th; Knepe Castle, 8th; Arundel, 9th; Southampton, 10th.
- 1207, Jan. "Lambeth, 1st; Bexley, 2nd; Canterbury, 3rd to 5th; Rochester, 6th.
- 1208, May. "Rochester, 13th to 15th.
- 1209, June. "Knepe Castle, 1st; Bexley, 3rd; Rochester, 7th, 8th; Orsett (Essex), 9th; Chelmsford, 10th.
- " Oct. "Rochester, 6th, 7th; Chilham, 8th; Sutton [at Hone], 9th; Tower of London, 9th.

"Tower of London, 2nd; Gravesend, 3rd; Dover, 4th; Rochester, 6th; Sutton, 6th; Westminster, 8th. The King then proceeded to Ireland.	CHAP. XXX. 1210, May.
"The Tower, 18th; Chilham, 20th. No further trace of the King's movements between May and November in this year."*	1211, April
"Sutton, 10th to 15th; Rochester, 11th, 12th, 14th; Tower, 16th, 17th; Arundel, 24th; Lewes, 24th, 25th; Battle, 25th, 26th; Dover, 26th; Rye, 27th; Winchelsea, 27th to 30th.	1213, April
"Rochester, 2nd, 3rd; Canterbury, 4th to 6th; Ewell [Temple], 7th to 25th; Dover, 13th; Wingham, 25th to 28th; Ewell, 28th; Dover, 28th, 29th; Wingham, 30th, 31st.	„ May.
"Wingham, 1st to 3rd; Chilham, 3rd, 4th; Ospringe, 5th, 6th; Rochester, 6th to 9th; Ospringe, 10th; Chilham, 11th, 12th; Battle, 13th.	„ June.
"Rochester, 5th to 9th; Ospringe, 9th; Dover, 9th; Rochester, 10th, 11th.	„ Oct.
"Tower, 2nd to 5th; Sutton, 6th; Rochester, 6th; Canterbury, 8th to 10th; Ospringe, 10th; Sutton, 11th, 12th; Tower, 12th, 13th.	1214, Jan.
"Rochester, 10th; Sutton, 15th.	„ Nov.
"Tower of London, 6th; Sutton, 6th; Rochester, 6th, 7th; Ospringe, 7th, 8th; Canterbury, 10th; Dover, 11th, 12th; Rochester, 12th to 14th; Sutton, 13th, 14th. The King then went to the north.	1215, March.
"Sandwich, 28th to 31st.	„ August.
"Dover, 1st to 14th; Canterbury, 14th; Dover, 15th to 19th; Canterbury, 20th to 22nd; Dover, 22nd; Canterbury, 23rd to 28th; Newington, 28th; Malling [Sussex], 30th.	„ Sept.
"Newington, 2nd to 4th; Ospringe, 4th, 5th; Canterbury, 5th, 6th; Dover, 6th; Canterbury, 7th to 9th; Ospringe, 9th to 11th; Gillingham, 12th; Rochester, 13th to 31st.	„ Oct.
"Rochester, 1st to 30th.	„ Nov.
"Rochester, 1st to 6th; Malling [Sussex], 6th to 9th;† Reigate 10th. The King then proceeded to the north.	„ Dec.
"Windsor, 19th, 20th; Guildford, 20th to 22nd; Reigate, 22nd, 23rd; Malling [Sussex], 23rd; Rochester, 24th; Ospringe, 25th; Canterbury, 25th, 26th; Dover, 26th to 29th; Sandwich, 29th, 30th; Canterbury, 30th.	1216, April
"Canterbury, 1st, 2nd; Folkestone, 2nd to 9th; Dover, 11th, 12th; Romney, 12th; Folkestone, 12th to 15th; Sandwich, 15th to 18th; Folkestone, 19th, 20th; Canterbury 20th, 21st;‡ Seaford (Sussex),	„ May.

* In Sir T. D. Hardy's Itinerary, no mention is made of the King's being in Kent in 1212; but Blaauw states he was at Rochester on Sunday, June 9; at Chilham, on Wednesday, June 12; and at Battel the next day.

† It would, therefore, appear that John, after granting Magna Carta in June, 1215, proceeded to the Isle of Wight, and thence to Kent, where he remained from 28th August to 9th December.

‡ The King was in Canterbury on many other occasions during his reign, sometimes merely passing through, and at other times remaining there a considerable time.

CHAP. XXX. 23rd, 24th; Bramber, 26th, 27th; Woolavington, 27th; Winchester, 28th to 31st."

There are no less than four Suttons in Kent. There was once a castle at Sutton-Valence (or Town-Sutton, as it is now more commonly called), but even if built at this time, it was not on the main-road from London to Dover. I have therefore ventured to consider Sutton-at-Hone as the resting place of King John when he came into Kent, especially as the Knights Hospitallers were possessed of the Manor of Sutton-at-Hone during this reign, and Dartford, the *Tarentefort* of Domesday, was a royal manor. The Hospitallers had also a manor in Dartford.

CHAPTER XXXI.

THE FORESTS OF KENT AND THE FOREST LAWS.—THE
OTHER PRINCIPAL WOODS IN THE COUNTY.

IF we except the formation and incorporation of The CHAP. XXXI.
Seven Hundreds, but little has been recorded of our
ancient Forest under its newly-acquired name of *The*
Weald or Wild of Kent from the completion of the
Domesday Survey until the death of King John, a period
of 180 years, but that little it shall be my endeavour to
perpetuate.

Before I do this, it may not be unprofitable if I The Forest
Laws.
shortly refer to the laws by which the forests of Eng-
land were at this time governed, premising that though
our Anglo-Norman monarchs retained and exercised do-
minion over the unappropriated portions of the Weald,
as well as the Forest of Blean and other woods in
Kent, many of which still retain the names of King's
Woods, they were not held *expressly* for the royal recrea-
tion of hunting; still, wild boars and other ravenous beasts
were to be met with in them. Numerous perambulations
of the royal forests in England may be found in the
Public Record Office, but we look in vain for any per-
ambulation of a royal forest in Kent at this period of our
history. We have also a return made at a somewhat later
date (28 Edw. I., 1300), which shows that there was no
Royal Forest of Chase in Kent at that time. This King
(Edward), however, appears to have had a hunting seat
at Newenden, in the Weald, on the borders of Sussex, and
Kent abounded with chases, parks, and warrens, held by
its barons. Cooper's
Winchelsea,
p. 54.

CHAP. XXXI.

Ante, p. 205.

Thorpe,
Vol. I., p. 246.
Manwood,
p. 393.

Our Anglo-Saxon Sovereigns, though jealous of their sylvan rights, did not, so far as we know, frame any general forest laws. Wolves were included among their beasts of chase, and it was a breach of the King's franchise, and punishable, to kill them within the assigned boundary. Being at length deemed dangerous to the inhabitants, and hurtful to the flocks of a population whose wants were daily increasing, they were almost exterminated by King Edgar; whilst the gradual cultivation of the reclaimed soil would naturally reduce the number of other wild animals, or drive them to more secluded spots, thus curtailing the Royal sports. This led to the passing, by King Canute, at Winchester, of the *Constitutiones de Foresta* (1016), which is generally treated as our first forest code. The King there deals with forests as if he had a paramount right over them. The nobles might hunt after everything but stags; while the freemen might hunt and sport over their own property, provided they did not interfere with the royal chases.

We will now notice the different descriptions of forests and woods as they existed in England *before* the Conquest, in the order in which they are placed by Mr. Kemble, and afterwards endeavour to classify those which were situate in Kent.

Kemble,
Vol. II., p. 86.

"1. The Royal forests, in which the King granted timber, common of mast and pasture, or estovers.

2. The forests appertaining to communities and cities (*sylva communis*, *ceaster-wara-weald*, — *burhwara-weald*), in which the King granted commons.

3. Small woods appurtenant to and part of particular estates, but not named, the enjoyment of which is conveyed in the general terms of the grant as *terram cum silvis*, &c.

4. Private forests or commons of forest specially named as appurtenant to particular estates or given by favour of the King to the tenant of those estates."

The principal forests and woods in Kent, Surrey, and Sussex *after* the Conquest are comprised in the following list, which is taken from Mr. Pearson's work.

(Under Kent) :—

"The Andred's wood [then extending as below, into Sussex and Surrey].

Blean [Heanhric] wood, in Westgate Hundred, contained *mille acræ sylvæ infructuose* at the time of Domesday. CHAP. XXXI.

Bocholt, probably Boughton-under-Blean.

Cæstruwarowalthe wood [also Cesterzetta Wald] probably the woods between Rochester and Maidstone.

Challock wood [part of it now included in Eastwell Park].

Chart wood [Cært], in the Hundred so called.

Norwood, near Herne Bay.

Rip wood, on the borders of Sussex, near the Romney Marsh.

Saenling wood, in Eastry Hundred.

Saltwood, near Hythe.

Sandhurst wood, (1) on the southern fringe of Andred's Weald; (2) near Lamberhurst.

Shoreham wood, north of Sevenoaks.

West wood, near Graveney."

(Under Sussex):—

"The Andred's wood covered all the north of this county, skirting the chalk-downs on the south. Detached portions of it were known as (1) Arundel; (2) Ashdown; (3) Bramber-wood (Bremberwudu), about Bramber; (4) Cealtborgstal woods, probably on the southern skirts, near the Chilmington; (5) Dallington; (6) Knap forest; (7) St. Leonards; (8) Waterdown; (9) Worth."

(Under Surrey):—

"The Andred's wood covered the southern part of this county, and at the time of the Domesday Survey almost every manor had wood-commonage (*sylva*), though often for a very small quantity of stock."

Under the first head, "Royal Forests," Mr. Kemble Ante, p. 204. includes "Saenling,* Andred, Blean, and the like." The three places thus named by him happen to be all in Kent. I do not intend to question the accuracy of this classification, if reckoned *after* the seventh century; but up to that period I am disposed to rank the Andred or Weald under the *second* head, as "the *sylva communis* of Kent," having been originally set apart for the use in common of the freemen of the entire kingdom of Kent, the royalty only being in the Crown. When Kent ceased to be a distinct kingdom, the King and his Witan, as we have seen, continued to control the enjoyment of this forest, and sanctioned the formation of Denes in various parts of it, defining them by name, and assign-

* Saenling wood Mr. Pearson considers was in Eastry Hundred, more probably Eastry Lath, for it was then a lath, but all trace of this forest appears to be now lost.

CHAP. XXXI. ing the quantum of pannage which each vill, ham, burh, or tun should possess. Thus, the extensive benefits which the forest conferred in those days *on the entire shire* preserved it in some measure from the absorbing influence of the Church. When the Saxon rule in England was drawing to a close, the Sovereign began to throw off the wholesome control of his Witan, especially in matters affecting forest rights, and by degrees the Crown acquired absolute dominion over the unappropriated portions of the Weald, and other similar districts.

The Norman conquest, with its feudal system, materially extended the rights of the Crown over the forests of chase. The royal boundaries were enlarged, and trespassers punished with greater severity. The Conqueror, it is said, secured no less than sixty-eight forests, defined by metes and bounds, and thirteen chases of smaller extent, some of them situate in the forests, and 781 parks. This necessitated the passing of fresh and more severe laws, to be executed by judges specially appointed, with separate courts and subordinate officers, while every three years the Chief Justice, elected for this especial purpose, held a Court, when a survey was made of each forest, and, among other precautions, the claws and ball of the fore feet of all the mastiffs in the forest were taken off to prevent them chasing the deer—a barbarous operation, termed “lawing.” These courts formed so many local governments in almost every part of the kingdom. The only privileged subjects at this time were archbishops, bishops,* earls, and barons, who, when attending on the Sovereign at his command, or returning home, were empowered to kill one or two deer in view of the forester if present, or on blowing a horn in his absence; and it is somewhat remarkable that this right was not formally abrogated until the reign of George IV.

In the royal forests there were usually woods, coverts,

* Hunting was then so common an episcopal amusement, that the Crown was entitled, on the death of every bishop, to have his kennel ofounds, or a composition in lieu thereof.

and lands, belonging to subjects, which were enclosed ; but no subject could cut down a tree, though grown on his own freehold, without view of the forester and licence of the Chief Justice. There were also wastes not enclosed, open and in common for the benefit of the inhabitants, who were more interested in securing the herbage and pannage than the wild animals. Agistors were placed over them, who received beasts to pasture at certain stated times : provision was also made for the fence month, or time for fawning. Then followed the agistment of the swine on the mast of the trees, termed pannage.

CHAP. XXXI.
Manwood,
p. 375.

Every age has had its grievance in matters connected with the administration of either the forest or the game laws. In those days the neighbouring cultivators of the soil were constantly suffering from the attempts made by the forest officers to recover the purlieu or adjacent lands which had been disafforested, and were protected by perambulation.

The Anglo-Saxon Chronicler, William of Malmesbury, and other monkish writers, declare that the New Forest in Hampshire was formed and enclosed by the Conqueror, by the destruction of twenty-two churches and chapels, and many villages and manors, covering an area of thirty miles. They call it an act of merciless injustice, and tell us that William "loved his red deer as if he had been their father ;" while this monarch's defenders assert that he was not guilty of the *excessive* violence imputed to him, for he did not in truth form and enclose the New Forest, though he added to it ; and that this particular district had always been unproductive in comparison with other parts of the kingdom ; the real grievance being the subjection of the district to the new and savage laws introduced by the Normans.

The reader is familiar with the demands so often made by the nation for a mitigation of the severe enactments of the forest laws. Right at last subdued might, and it is worthy of remark that from the reign of Edward I., until that of Henry VIII., when Hampton Court

CHAP. XXXI. was converted into a forest, no other Royal forest had been erected; by which time the rights of the Crown had been so curtailed, that the sanction of Parliament was required, and to avoid arousing the prejudices of the people, the name given to it was "Hampton Court Chase" instead of forest.

King Stephen, in his charter, makes a considerable concession. He says:—

"The forests which my grandfather and William II., my uncle, made and held, I reserve to myself: all the others which King Henry super-added I render up and concede in quiet to the churches and the kingdom."

Notwithstanding this and subsequent charters, those parts of the forest code which had for their object the preservation of deer were, down to the grant of Magna Carta, "written in characters of blood." Henry II. and Richard I. continued to increase and enlarge them, and King John followed their example, until a large part of the kingdom had become forests; and so long as a district was afforested, corn could not be grown there. The provisions for the removal of these grievances are found in chaps. 47 and 48 of the Great Charter, which threw open all those made since the commencement of that King's reign, appointed twelve knights to be chosen in the court of each county, and empowered them to inquire upon oath into all evil customs of forests and warrens, and foresters and warreners, and authorized them to abolish such customs within forty days, provided notice were previously given to the King or his Justiciary.

Manwood,
p. 140.

Up to this time the King could have made a forest for his delight and recreation wherever he pleased. The course taken was to issue a Royal mandate directed to commissioners, in which the Sovereign declared his will to make one in a certain place or county, and empowered them to bound, mete, and encompass it in such a manner as to be discernible. The proceedings were all recorded, and the Sheriff made proclamation thereof throughout the county. It then became a chase only, and not a forest,

until the King had appointed verderers, foresters, and other officers over it. CHAP. XXXI.

But to return to the Weald. In addition to the new court of The Seven Hundreds, formed, as I think I am justified in stating, *after* the Conquest by the Sovereign, out of the Weald, Brenchley (Brenchesle) became a Hundred; Marden (Murdenne), though appurtenant to Middleton, was also formed into a separate Hundred; as was Godsheath (Godesheth). The Lowy* of Tunbridge, encompassed by the Hundred of Wachlingstone, constituted a separate jurisdiction, and the other unappropriated portions of the district were soon assigned to the above and adjoining Hundreds. Ante,
Chap. XXVII.

The two chief and distinctive features, however, in the Weald of Kent at the time of the Conquest, were—

1. ITS ABSENCE OF MANORS.
2. ITS ABSENCE OF WASTE LANDS.

We will speak of each in this order.

(1.) With the complete establishment of the feudal system in Kent, the formation of denes no doubt ceased; those therefore which were held at this time by the new tenants in capite of the Crown, were held in respect of manors (now first so called) situate in other parts of the county; which we have seen varied in number and size;† and such portions of the Weald as had not been so enclosed or set apart, were claimed by the Sovereign as Lord Paramount,‡ and were soon parcelled out among his favourites, no longer as denes but as manors. They were the first manors in the Weald; for being *in*

*The First
Manors in the
Weald.*

* A Leucara, Leuga, or Lowy, was often assigned to a religious house. Battle Abbey possessed one.

† I have already noticed in Chapter X. that the term "dene" is differently applied in different localities, and Mr. Lower has recently supported this opinion in his distinction of a dene in Sussex and a dene in Kent; the latter, he says, "seems generally to mean a feeding place for swine;" while in Sussex it almost invariably signifies a hollow place among downs—a shelter for sheep. "Thus we have two East and two West Deans—Ovingdean, Rottingdean, Balsdean, the Mardens, Pangdean, &c."—*History of Sussex*, Vol. I., p. 5.

‡ The extensive and forfeited possessions of Odo, Bishop of Baieux, situate in the Weald and its vicinity, were re-granted to other favorites.

Ante, p. 87.

CHAP. XXXI. the Weald, the necessity of attaching denes to the new grants, as in former times, did not exist. These newly-created manors were much smaller than the old ones, and I do not remember to have met with any *within* the district which extended over lands situate *out* of it. Again, lesser manors were carved out of these newly-created ones, but all of them must have existed before the year 1290, when the act prohibiting subinfeudation was passed. The manors, like the denes, might be of any size; but from the denes the lords of the outlying manors continued at this time to appropriate to their own use the trees growing thereon, as the freehold still remained in them.

No waste lands in the Weald. (2.) The other distinctive feature was the absence of waste lands or "out-runnings." We have seen that in the adjoining and fertile district of Romney Marsh (differing so materially in every other respect), there were no waste lands; the Marsh was reclaimed from the sea, while the Weald was the common land, first of the kingdom, and afterwards of the whole county; and, by a custom which prevailed throughout the district, under the name of "land peerage," or "land ownership," the owners of the land on each side of the highways claimed the property of the soil and of the trees growing thereon, in exclusion of the lord.

Tunbridge. As men were content to take up their abode in the Weald, and gradually clear the wood, so the denes and manors were in time allotted into tenancies, formed into boroughs or townships, and united to hundreds. Still considerable portions of the Weald, in Sussex as well as in Kent, long retained their forest character. We may instance the Leuga or Lowy of Tunbridge with the land in its vicinity. One of the favourite companions in arms of the Conqueror, we have seen was Richard Fitz Gislebert, who after his settlement in England appears to have taken the name of Richard de Tonebridge. This is the more remarkable, because Tunbridge is not returned in Domesday by name (not probably as unimportant, but

Ante, p. 222.

Ante, p. 312.

because it was out of the county jurisdiction), while Hadlow and Tudely, on the north and south sides of it, and both possessing churches at that time, are mentioned. It may be here observed that, as a rule, towns with the suffix of "bridge," are not deemed of the same antiquity as those with "ford," as Aylesford, Otford, Dartford, and many other places.

CHAP. XXXI.

The reclaiming of this portion of the Weald, the construction of its bridges and castle, and its position near the borders of the county of Sussex might have led to its acquiring a new name (not uncommon at that time) which Richard Fitz Gislebert adopted, nearly all his extensive Kentish possessions being in its immediate vicinity.*

Lambarde, under "Tunbridge," tells us that round about it there was in his day a territory called the Lowy, being a French league of ground originally allotted to Richard Fitz Gislebert in exchange for a town in Normandy called Briounie [Brionne], and that the land round it was first measured with a line which was brought to England, and the same quantity of land at Tunbridge was substituted for the possession in Normandy. The Earls of Gloucester, the descendants of Richard de Tonebridge, were constantly at variance with the Sec of Canterbury as to whether the Lowy was held of the Crown or of the Archbishop, and as to its privileges.† This, as has already been stated, was one of the subjects of contention between Becket and Henry II., a question which finally was set at rest by perambulations made at a later period.

Ante, p. 339.

The original castle was razed to the ground the year following the accession of William Rufus (1088), but it was immediately rebuilt. Philipott (who does not often

Ante, p. 227

* Though Richard de Tonebridge was only *tenant in capite* of Yalding and East Barming, he was one of the Archbishop's knights, and the largest undertenant in this locality. The Conqueror also conferred on him 33 manors in Surrey, 35 in Essex, 95 in Suffolk, Clare being the principal one, from which he was often called Richard de Clare.

† Harris quoting "Sir R. Atkins in Gloucestershire," says Richard de Tonebridge *purchased the castle* from the Archbishop, of whom it was anciently held.

CHAP. XXXI. give his authority) says Odo was imprisoned in the fortress of Tunbridge, but made his escape from it.

Part of the Lowy extending towards Sussex, since known as the South Frith, contained an extensive chase. In the opposite direction the forest covered that portion of the Lowy since called the North Frith, while Marourde (Mereworth) and Peceham (West Peckham), situate at the northern extremity of the Weald, included a district afterwards known as the Hurst Wood; and Brenchley, Goudhurst (with its frith woods), Lamberhurst, Cranbrook, and Hawkhurst, in a southerly direction, were chiefly covered with wood, and so continued, especially in the vicinity of Combwell and Flimwell, until the present century.

Before we proceed, I will endeavour to furnish a meaning for the terms *Hurst* and *Frith*, frequently met with in this and other counties, but especially in the district of the Weald.

Hurst. Hurst, in Saxon, Hyrst, is "a wood or grove of trees," according to Toulmin. The Hursts, as Penshurst, according to Taylor, were the denser portions of the forest.

Frith. "Frith" or "frid" is Saxon for peace. Woods, we have seen, were heathen sanctuaries where peace was encouraged. Thus there was a frithmote in Cheshire; frithman, "one belonging to a peace community;" frith-year, "the year of jubilee or of meeting for peace;" frithdom, "liberty, freedom;" frith-breach, "the breaking of the peace." These frithmotes and frithgilds were held in the forests and woods, and as open spaces must have been prepared and preserved for them, are we not justified in concluding that, as what in the sea would be a strait between two lands, and in a forest would be, according to Sir Edward Coke, a plain or lawn between woods; so when Christianity became firmly established in Kent these frids or friths (now sometimes corrupted into "frights") were often set apart and appropriated as places of chase for deer and wild beasts, not in Kent only but throughout England.* The friths in Tun-

Boosworth.
Title "Frith."

* I may instance the Fright Woods of Mr. Beresford Hope, M.P., near

bridge and elsewhere, when no longer required or set apart and preserved as chases, reverted to ordinary woods, though they still retained their name. CHAP. XXXI.

The Lowy of Tunbridge with its honour, castle, manor, priory, and forest, had now become a place of considerable note and possessed many privileges, but as they were not fully established until the reign of Edward I., I will defer noticing them for the present.

The following translation from the Court Rolls in the reign of King John will prove that even before the passing of Magna Carta the liberty of the subject was not lost sight of at Tunbridge; and that a settled form of plaint, recently revived in our new County Courts, had been then adopted.

“Kent.—Eustace Fitz William complains that Hugh de Pecham, constable of Tonebridge, wickedly and against the king’s peace took him and imprisoned him [in Tunbridge Castle] by his force, and detained him for five days, contrary to bond and pledge, and took from him chattels to the value of seven marks.

1 John
(April, 1200).

“Hugh defends the whole, word by word, and says that then he was not constable, and he offers to the Lord King one mark to have a lawful inquisition.”

From the forest and Lowy of Tunbridge, with its neighbouring hursts, friths, and woods, we will now turn to some of the extensive territories throughout the shire which were converted into manors by the Conqueror, and possessed the right of pannage in certain denes in the Weald. It will, however, be sufficient for my present purpose to notice three of them, viz., Aldington, Chilham, and Wye. But let me first remind the reader that this

Bedgebury; also a manor and farm in Bethersden, called Frid Farm, which extended to Tenterden. Frid Farm in Otterden was given to the Nunnery of Davington, in the reign of Henry III., by Hamon at Frith. There was a Frid Wood in Borden and Murston. King Charles I. granted to George Duke of Buckingham 500 oak trees out of his wood called Frith and other woods in Gillingham, in Kent, in addition to 1,000 trees which James I. had given him from Milton for the enlargement of his park at East Beaulieu, in Essex. The manor of Frith, or Fright, in Guston, (now corrupted into “Guston Frit,”) between Dover and Deal, was formerly part of the territories of the canons of Saint Martin, Dover; while the possessions of the see of Canterbury at Aldington included the chase in the frith or fright. Frittenden, situate wholly within the Weald, would also thus derive its name.

Hasted, p. 80
(K), Vol. II.

CHAP. XXXI. right of pannage (*pasnagium*) meant not only the running and feeding of hogs in the forest, but also the price or rate paid for their so running,* afterwards merged into fixed rents for the land.

The Manor of Aldington.

Aldington was held by the Archbishops of Canterbury, and now belongs to Mr. Deedes, of Sandling Park. It was and still is the largest manor in Kent. It extends beyond the site of its former park and demesne lands through portions of Romney Marsh to Lydd and the Isle of Oxney (Oxney Ferry is still appurtenant to it). It then spreads over parts of Shadoxhurst, Woodchurch, Tenterden, Rolvenden, Sandhurst, and Benenden, including some of the ancient boroughs and townships now constituting parishes on the borders of the Weald. It possesses forty-four denes, which is about four times the number of any other manor.

Ante, p. 57.

The Manor of Chilham.

The Honor, Castle, and Manor of Chilham were held by Bishop Odo. After his disgrace, the Conqueror placed the defence of Dover Castle in the hands of John de Fiennes, his kinsman, and eight other knights, and assigned to them part of Odo's forfeited possessions in Kent, including those in the Weald,† to enable them to maintain it. Fulbert (sometimes called Sir Fulbert de Dover) was returned as Odo's under-tenant in Domesday, and he became the tenant in chief of this ancient possession as one of the eight knights, and performed for this and other manors in Kent, ward to Dover Castle for twenty weeks yearly.‡ Mr. Charles Stewart Hardy is the present owner. It possesses eleven scattered denes, which extend over parts of Egerton, Boughton Malherbe, Smarden,

**Hasted,
Vol. III.,
p. 127.**

* Bishop Kennett says in his Glossary that the price of pannage within the liberties of the Abbey of Battel was two pence for every hog of full age.

† If the reader will refer to Table No. 1, Chapter XXI., he will find that, with the exception of Newenden and Tiffenden, all the lands situate in the Weald and specified in Domesday were allotted to Odo.

‡ The other seven knights were William de Albrincis, William de Arsic, Jeffrey de Peverel, William Maminoth, Robert de Port, Hugh de Crevequer, and Adam Fitzwilliam, and they had to provide 1,000 men for the defence of Dover Castle, which was called Castle-Guard service.

Headcorn, Frittenden, Goudhurst, and Hawkhurst; while Wye, the third manor I propose now to refer to, possessed extensive rights over the Weald. As a royal vill, its antiquity and pre-eminence had classed it in Anglo-Saxon times among the laths of Kent, and as paramount over twenty-two hundreds. In those days it was a privilege "of the men of the lands in Wye to guard the King at Canterbury and at Sandwich for three days, if the King came there."

CHAP. XXXI.

The Royal
Manor of
Wye.

Ante, p. 235.

Larking's
Domesday.
p. 94.

The transfer of this manor by the Conqueror to the newly founded Abbey of Battel, situate in another shire, was fatal to its importance; ecclesiastical and local jealousies changed the name of the Lath, and Wye was in time shorn of much of its consequence.

The Chronicles of Battel Abbey were published in 1846, and have been since translated by Mr. M. A. Lower. They let us into the private history of the Abbey, including the malfeasance of the bailiff of their head manor of Wye, during the reign of Henry I., when a custos named Gausfrid was appointed, who was unskilled in learning, but a good man of business; he discovered that a servant of the last Abbot, named Robert de Chilton (the bailiff of Wye), had neglected his duties, and refused to do justice,* relying on the support of the nobles of the county of Kent. The Custos summoned the Bailiff and his friends to attend at the Abbey. Fulbert de Chilham, and other barons from Kent, attended with the Bailiff, at the Abbey, at the appointed time, and were hospitably entertained. The men of Kent contended that the hearing should be in their own shire and not at the Abbey. The Custos told them they could not question the

Battel Abbey,
pp. 52, 73.

The estates thus held by these knights extended over various parts of Kent, and into the adjoining counties. The inheritance of the Castle was granted to Lord de Fiennes; but King John made compensation to the family and resumed the possession, and the personal service of the eight military knights and their dependents was in the next reign [Henry III.] converted into money payments.

* This defaulter believed that the province of Canterbury was sufficiently powerful to enable him to resist the lawful claim of the Abbey of Battel with impunity.

CHAP. XXXI. competency of the Court, as it was the King's. Upon which the Kentish men angrily attempted to break out of court; but Gausfrid ordered the doors of the Abbey to be locked, and threatened to report them to the King. Reason prevailed; the Custos proved the waste which had been committed; Robert de Chilton was adjudged guilty, and sued for pardon, which he obtained on payment of a fine of £10 of silver, and ten bushels of corn. Master Gausfrid then committed the Manor of Wye and the affairs of the Abbey to faithful men for reformation. A family named Raymonds afterwards became the stewards of the Abbey, and gave their name to a lesser manor at Wye, now belonging to Mr. Carter, of Kennington Hall.

Philipott,
p. 374.

Wreck at
Dengemarsh.

The chronicles next record a wreck which happened during the same reign (Hen. I.), at Dengemarsh, near Lydd, which had always been reputed a member of Wye. A ship laden with royal ornaments, and much shattered by the waves, was cast ashore at Dengemarsh, and as it could not be repaired, the King's collectors came to seize it at the time allotted by custom. This was opposed by the authorities of the Abbey. The King, not wishing to injure the Abbey, ordered the cargo to be disposed of as they thought best, and thus tacitly recognised their right.

Hawkhurst.

Hawkhurst formed in process of time an extensive border parish, a very small part of it being in Sussex, and contained some of the principal denes of the Manor of Wye. In the reign of King John, the Abbot of Battel demised the lands in the ville of Hawkhurst belonging to the Abbey to "his men of Hawkhurst," the rent reserved being £10, twenty hens, and 250 eggs. The room over the north porch of Hawkhurst Church was formerly called the Treasury, where, no doubt, the Custos of the Abbey attended to receive his rents. Wye had denes also in Tenterden, Cranbrook, Woodchurch, High Halden, Pluckley, and Bethersden. Its liberties extended over whole parishes in East Kent, and included parts of West Hythe, Dengemarsh, in Lydd, and even entered Sussex, as large payments are still made to this manor, from Guldeforde

Kilburn,
p. 132.

or East Guildford, which is the only entire Sussex parish on the east side of the Rother; and this renders it probable that Guldeford was at one time part of Kent and not Sussex. CHAP. XXXI.

But little has been handed down to us respecting the early history of the other portions of the district. How could it be otherwise when it was so inaccessible? We can only trace its history through the Anglo-Saxon charters quoted in Chapters IX., X., and XV. These charters, it has been already stated, are silent respecting Tenterden and Cranbrook.

“Tenterden,” according to Mr. Edmunds in his “Roots of Place-Names,” is of Anglo-Saxon origin, from *thegn* and *denu*, “the nobleman’s hollow;” while “Cranbrook,” also a name of old English origin, may either denote that cranes were to be found there, or the prefix was intended for a man’s name. With Tenterden and Cranbrook other places of minor importance reared their heads. Up to this time it was competent for the owner of a dene by sub-infeudation to convert it into a manor, receiving a fixed rent in lieu of pannage; and when the tenant in capite resided at a distance, and could not conveniently avail himself of his privileges, it was his interest to do so. For example, Aldreden, in Sandhurst (on the borders of Sussex), was a dene appurtenant to the ancient manor of Acrise (between Folkestone and Dover), and was converted from a dene to a lesser manor, but still held of the lord of Acrise as the chief lord of the fee. These conversions, and the creation of new manors, and the grouping of denes, led to the formation of new boroughs; and by the end of the reign of King John, we begin to trace, in the existing public records, the names of nearly all the present parishes formed out of these new manors, denes, and boroughs, without any regard to their civil boundaries; most of them, however, being thinly populated, are of greater extent than the parishes in other parts of the county. I will only further remark that in these new creations the moor, the heath, and the village green were

Tenterden.

Cranbrook.

CHAP. XXXI. marked out and held sacred. "*Heathenland*" * there might be, as in the instance of Nackington, but "*nanesmansland*" no longer existed in the Weald or elsewhere in England.

Ante, p. 271.

Ante, p. 240.

The Weald
of Sussex.

The surnames of the principal owners, or their vocations, were very often adopted either as a prefix or a suffix for the names of these villages; as Falconhurst in Kent, and Hurst-Monceux and Hurst-Pierpoint in Sussex; and in almost all cases we find the names thus given have survived the families themselves. Beside the Earls of Gloucester and other names already mentioned, the Crevequers (the descendants of Haimo, the Conqueror's first sheriff of Kent), the de Montforts, the Earls of Eu, the Albinis (who became the Earls of Arundel), the families of William de Braiose,† the Derings, Cookhams, Leybournes, Colepepers, Criols, John de Bedgebury, Lord Stephen de Pencestre, Lord William de Hevre, John de Burgh, Robert de Hemsted, Robert de Toke, Richard de Tunlande, Robert de Caunville, William Rookhurst (the ancestor of the Roberts of Glassenbury), Nicholas de Hadloo, and Ralph de Dene, were among the earliest owners of land in this district.

Though the Andred once traversed from Kent through the whole of Sussex and part of Surrey into Hampshire, there was a material difference in its gradual changes in each county, especially with reference to the tenure by which it was held, which will be noticed hereafter.

Kent, we have noticed, was in advance of Sussex in civilization; the population continued to increase and sooner turned its portion of the forest to account. Entering from Kent into Sussex with scarcely any distinctive separation, at Tunbridge Wells, the northern extremity of Sussex, we pass through Frant, with its deer park, situate partly in

* Nackington is in the Hundred of Bridge, except a small portion of it, which is in the Hundred of Whitstable, and was formerly called *Heathenland*.—*Hasted*, Vol. III., p. 726, fo. ed.

† William de Braiose came over with the Conqueror, and acquired large possessions, especially in the Sussex portion of the Forest, including Bramber Castle, which was the *caput Baronie* of the Lords of that Rape. The Castle is named in Domesday.

Kent, where this portion of the forest acquired the name of Waterdowne.* Further south we come to Dallington, in the Rape of Hastings (which once possessed a chase); Ashdown, in the Rape of Pevensey (covering an area of about 18,000 acres), comes next. We then pass on to Worth forest, in the Rape of Lewes (of which Tilgate forest was deemed part); then St. Leonard's forest, in the Rape of Bramber, eastward of Horsham, with more than 8,000 acres; thence to Arundel forest,† in the Rape of that name, and so on to Charlton forest, in Singleton, in the Rape of Chichester, including all the several chases and parks within or attached to these forests.

CHAP. XXXI.

Lower's
Sussex,
Vol. I., p. 21.

Ib.
Vol. I., p. 42.

Then as to Surrey, Andred originally extended over the southern side of that county, adjoining to Sussex, and its boundary on the borders of Hampshire is scrupulously preserved; for Frensham, originally a Chapelry to Farnham, is on the verge of Surrey, and includes a portion of Holt Forest; Chert (Chart) is one of its tithings, and in the reign of William and Mary (1692) a long-contested tithe suit was carried on, when it was decided that this particular tithery was in the Weald or Wild of Surrey, and its woodland exempt from tithe.

The Weald
of Surrey.

Thus we reach the termination of Andred on the confines of Hampshire.‡

As we proceed we shall find the legislature seeking to foster and preserve English timber, but this protection did not extend to what was grown in the Wealds or Wilds of Kent, Sussex, and Surrey. The result has been that nearly the whole of the vast district as shown in Map

* Shirley, in his "Deer Parks," considers Frant the oldest recorded enclosure of the kind in England. It forms part of Tunbridge Wells, and is in the Rape of Pevensey.

† "Arundel was given by the Conqueror to Roger de Montgomery under the title of the Earldom of Arundel. It was commensurate with the Rapes of Arundel and Chichester, and estimated at above 58,000 acres. Ten Hundreds, eighteen parks, and twenty-five manors surrounded the castle. Thus it became the greatest feudal dignity in England."—*Lower's History of Sussex*, Vol. I., p. 13.

‡ Mr. Albery, of Midhurst, is of opinion that the forest did not extend into Hampshire, but terminated at a point a few hundred yards from the boundary of that county.

CHAP. XXXI. No. 1. has "succumbed to the hewer of wood and tiller of the soil." But I must return to Kent.

Before, however, we pass on to the forest of Blean, we must notice the boundary of the Weald of Kent; and if we possessed no other means of defining it (handed down to us in its entirety, by the Saxon historian Asser, as stretching for 120 miles along the northern frontier of what once constituted the kingdom of the South Saxons) than the suffix of the names which it acquired within and around it, we should be able to point it out pretty accurately. Take the Tables Nos. 1, 2, and 3, in Chapter XXI., and the Map No. 2, and the reader may trace thirteen names with the suffix "den," indicating the deep wooded valley. Nine other names will be found with the suffix "hurst," forming, as the term implies, parts of the denser portion of the Weald. Now these twenty-two places are all situate *wholly* within the district; and by the grouping of the original denes with the new manors, they formed first boroughs, next parts of hundreds, and ultimately parishes, at that time only for ecclesiastical purposes. Ten of the names situate *partly* within the Weald will be found with the suffix "ton," denoting a collection of dwellings formed at an earlier period of our history into villages along the frontier or quarry range. Five, also situate on its borders, have the suffix "ham," possessing a twofold meaning—an enclosure and a home. Three have "ley," denoting "the open forest glades where the cattle love to lie;" and three have "chart"* as their suffix. These denes, hursts, friths, hams, leys, and charts, with the woods and newly-created manors, constituted the Weald of Kent, and its borders, at the end of the reign of King John.

"*Ing, hurst, and wood, wick, sted, and field,*
Full many English place-names yield,

* Mr. Taylor considers the *Charts* and *Hursts* were the denser portions of the forest, as in Seal-chart, and Chart-Sutton, in Kent. He further remarks that the word *chart* is identical with *hart*, wood or forest, "H and ch" being interchangeable.—*Words and Places*, p. 360; but *vide* p. 208.

With *thorpe* and *bourne*, *cote*, *caster*, *oke*,
Combe, *bury*, *den*, and *Stowe*, and *Stoke*."

CHAP. XXXI.

English Surnames, Vol. I., p. 58.

The Blean is the other forest referred to by Mr. Kemble and Mr. Pearson, and is next to the Weald in importance and extent. It was called the King's ancient forest of the Blean—the Bocholt and Blean Heinrich of the Anglo-Saxons, and is at present the most extensive district of woodland in Kent. It formerly commenced from Boughton under the Blean, and reached almost to the walls of the city of Canterbury. It extended from Whitstable, Seasalter, and Hackington towards Chartham, and included "the one thousand acres of unproductive wood, or wood not yielding acorns," referred to in Domesday under Canterbury. The ancient Borowart (Borough) Lath, now the Lath of St. Augustine, included Canterbury and its freemen. The Burg-wera-weald, in common with the Limen and Wywera-weald (being freemen in the laths of Canterbury, Lympne, and Wye), enjoyed in Anglo-Saxon times the liberty of pannage in Andred. Notwithstanding this, I am disposed to consider the Blean as originally constituting the *sylva communis* of Canterbury, or their Burg-wera-weald, and from its contiguity to Canterbury it must have been of great advantage to its earlier inhabitants; but it soon became the *sylva regalis*, for we find King Offa in 791 granting a portion of it to Christ Church, Canterbury. This See acquired further portions of it, and King Stephen enriched his new Abbey of Faversham with other parts. His first Abbot Clarenbald became a purchaser of a portion of it, while some of the religious houses in Canterbury possessed the right of taking as much wood as one horse going twice a day could fetch from it where the woodreeves should appoint, which uncertain privilege was eventually converted into fixed quantities of land in certain defined parts of the forest. Fee farm rents were also charged upon it. Richard I., it would appear, at last granted the *unappropriated* portions of the Blean to Christ Church, Canterbury, with all the assarts and rents belonging to

The Blean.

Ante, pp. 61,
76, 120, 204.

Somner's
Canterbury,
p. 384.

Larking,
p. 96.

Somner's
Ports and
Forts, p. 109.

Ante, p. 76.

Ante, p. 334.

Hasted,
Vol. III.,
p. 573., fol. ed.

CHAP. XXXI. the Sovereign, the royal rent reserved being one pair of gloves. Thus the influence possessed by the Church, acquired for its various orders the possession of the whole of the forest, except the right of chase, which was retained by the Sovereign so late as the reign of Elizabeth, when a patent was subsisting by which the Crown granted the office of keeper of the Blean and the woods in it. As it became severed other names were given to it, and from these we find, as we have already stated, that the term dene was not confined to Andred, for we meet in the Blean with the North and South Bishops-Dene, Bossen-Dene, and Thorn-Dene, as well as the Abbot's and Hurst Woods; but, unlike the case of the Weald, the Church swallowed up the whole of it.

Ante, p. 120.

Ante, p. 230.

The manor of Blean appears to have been quite distinct from the forest. Haimo, the sheriff,* is returned in Domesday as holding "Blehem, in the lath of Borowart, in Witestaple hundred;" while the forest† must have originally extended not only over parts of that hundred, but parts also of the Hundreds of Boltun [Boughton-under-Blean], Estursete [Westgate], and Roculf [Reculver], now part of Blengate Hundred (formed from other Hundreds since Domesday). Blengate derived its name, according to Philipott, from "the way to the Blean or common of herbage." The Abbey of St. Saviour's, Faversham, alone appears to have received rent for no less than nine gates in the Blean; for in the *Valor Ecclesiasticus* of Henry VIII. the Forester returns 8s., five hens, and 105 eggs, "for the yearly rent of nine gates leading to the said Blean," which rent was called Gate-silver. The term is met with in the Weald, and implies a payment for the repair of the gates leading to and from the forest, to prevent cattle straying.

It was in the Blean that Bartholomew, Lord Badles-

Ante, p. 240.

* He was appointed by the Conqueror his first Vice Comes, or Sheriff of Kent, and held the office until the reign of Henry I.

† That portion of the Blean which is situate within the district since known as the Ville of Dunkirk has always been tithe free.

mere, called the "rich lord" (who will be noticed hereafter), was hung, in the reign of Edward II. (1327). Having been drawn from Canterbury, he was decapitated there, his head was fixed on a pole on Burgate, and his body was hung up in the wood. CHAP. XXXI.

Hasted estimated the total quantity of the Blean woods, in his day, at about 5,000 acres, exclusive of the outlying woods, formerly part of the forest. From information kindly furnished to me by Mr. George Webb, of Tunstall, it would appear that the present quantity of woodland situate in the ville of Dunkirk is about 4,250 acres. There are also about 1,200 acres of woodland detached and situate east and west of the Blean woods, now held by the Ecclesiastical Commissioners, and 800 acres in private hands, together about 6,250 acres. Some portions of the forest held by the See and Church of Canterbury form part of their most ancient possessions; but the woodlands of the Abbey of Faversham and the other religious houses dissolved in the reign of Henry VIII. were alienated, and are now held by Lord Sondes, Mr. Heneage C. Dering, Mr. W. O. Hammond, Mr. George Gipps, Mr. Giles Hilton, Mr. P. Marten, and others. Vol. III.,
p. 571.

Of the remaining woods in Kent included in Nos. 3 and 4 of Mr. Kemble's Anglo-Saxon classification, some of them subsequently acquired the more modern names of King's-woods, West-woods, and North-woods, the largest King's wood being in Langley, Ulcomb, and Broomfield; and there is still a King's wood in Boughton Aluph. "The Challock wood" referred to in Mr. Pearson's list is situate in Challock and Westwell, and is I imagine what is now known as "Longbeech," belonging to the See of Canterbury, containing nearly 1,000 acres. Its later history is somewhat singular. Henry VIII. on its surrender granted it in exchange to Archbishop Cranmer. Notwithstanding this, Queen Elizabeth claimed it, and Archbishop Parker was actually sued in 1570 for selling part of it. The case was decided in the Primate's favour; he was, however, compelled to relinquish the wood, and Other Ancient
Woods in
Kent.

Ante, p. 252.

CHAP. XXXI. the Queen gave it to the Controller of her household (Sir James Crofts). Archbishop Whitgift afterwards found favour with her Majesty, recovered possession of it, and the See has held it ever since. Sir Edward Dering and his ancestors were the lessees of it for many years, but it has been lately sold by the Ecclesiastical Commissioners to Lord Harris.

Hasted,
Vol. III.,
fol. ed., p. 209.

96, 181.

The Cæstruwarowalthe woods (also Cestersettha wald), in Mr. Pearson's list (referred to in Kemble's Codex), were he supposes the woods between Maidstone and Rochester. Are they not more likely to have been the extensive woods in Lyminge now known as Lyminge Park and West wood? * which for nearly two miles abut on Cæsar's road [Stone Street] from Portus Lemanis to Canterbury. They contain nearly one thousand acres, and now belong to Mr. Drax, M.P.

The Isle of
Thanet.

The reader may be surprised to learn that a portion of the Isle of Thanet, now so bare of trees, but famed for its arable cultivation, was once covered with timber.* Hasted says there was anciently much more woodland here than in his day, and that several little villes still preserve the memory of these woods, viz., Westwood, Northwood, Southwood, and Colyswood; that the ville of Wood, otherwise Woodchurch, south eastward of Birchington, corruptly pronounced by the inhabitants Willow-wood, in his day, seems to have been once entirely a wood except a few cottages. Besides these, there were

* Lyminge Park was originally appurtenant to the manor of Lyminge, which is of great antiquity. Twelve denes in the Weald belonged to it. Ethelburga, or, as she is sometimes called, Eadburga, daughter of Ethelbert by his Queen Bertha, built a monastery here, where she was buried. This monastery suffered so much from the Danes that it was suppressed and its property transferred to Christ Church Canterbury, as part of their common stock, and on a division of it when Lanfranc became Primate, Lyminge was allotted to the See. Archbishop Ralph, in 1114, granted a penny a day to the Hospital of Harbledown, from its annual revenue, towards supplying the leprous with drink.

* "The local names of Iceland show in a very curious manner the way in which the rigour of the climate and the scarcity of fuel have caused the total destruction of the few forests of dwarf trees which existed when the island was first discovered. At the present time a solitary tree about thirty feet in height is the sole representative of the Icelanders' forests."—*Taylor's Words and Places*, p. 359.

Frisket wood, near the hamlet of Hoo, in Thanet, a wood called Bobdale, in St. Nicholas, and Manston wood, the only one left in the last century. CHAP. XXXI.

Mr. Pearson, on the authority of the Codex, places a Westwood near Graveney. It is probable that this wood was at the west end of the Blean. Like the North wood, it is a common name for woods, and is to be met with at Cowden, Bexley, Erith, Lyminge, and elsewhere in Kent.

As appurtenant woods, I ought to notice the woodlands held by the Wardens of Rochester Bridge, which have been woodlands time out of mind. They are nearly all situate in the parish of St. Margaret, and the present extent is about 865 acres; the income is expended in the repair of Rochester Bridge.

The possessions of the Crown in Kent were never very extensive as compared with those of the Church, though attainders, forfeitures, and escheats were constantly occurring. The royal revenue in Anglo-Norman times depended much on the fines and amerciaments levied for offences against the forest laws, not in operation in this county. The generosity of our kings at one time, and their necessities at another, alienated so large a portion of their demesne lands that the Legislature had to interpose frequently, or the whole of the property of the Crown would have been disposed of. These land revenues are now under the management of the Commissioners of Woods and Forests, and I am enabled to state that the total quantity at the present time belonging to the Crown in Kent, exclusive of what is held by the War Office and other Government departments does not much exceed 4,000 acres. Of this quantity about seventy acres belong to the Maison Dieu Estate at Dover; 1,850 acres will be found in the Isle of Sheppy, and 2,800 acres at Eltham (the *Alteham* of Domesday), on which there are about 250 acres of woodland at Shooters' Hill. The reader, however, must understand that the ancient palace and lands at Eltham formed no part of the possessions of the Crown in the time of King John, though *portions* of it might have been held by

The Modern
Crown Lands.

CHAP. XXXI. the Sovereign. About 800 acres, including the Maison Dieu Estate at Dover, have been of late appropriated to building purposes. The manors in Kent still held by the Crown are now reduced to two!! both comparatively small—Eltham and East Farleigh.

The parks, warrens, and chases in the county must be left for the second volume.

Iron Trade.

We have seen that no reference is made in Domesday to the iron works in Kent, Sussex, and Surrey, and we may imagine that in the disturbed times which followed, especially during the days of Stephen and of John, no extensive iron trade was carried on in the Weald; it was not until the next reign (Henry III.) that these works began to be fully developed.

CHAPTER XXXII.

THE CHURCH IN ANGLO-NORMAN TIMES.

I PROPOSE now to refer to the state of the Church in the Weald; following, however, the course pursued in Chapter XVIII., I will first briefly notice its general position at this period of our history.

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The extension of the power of Rome, and the gradual increase of its wealth from the Norman conquest, can be contemplated only with wonder.* Innocent III. died shortly after publishing a sentence of excommunication against Prince Louis of France, for invading England, and while he was preparing a similar anathema against his father, King Philip. If it is conceded that the Church then consisted only of Pope and Clergy, these were its triumphant days; but if the term Church is to include the Laity, then the power gradually acquired by ecclesiastics was shamefully abused, and the great body of Christians was exposed to slavery and oppression. Spiritual power thus exercised, accompanied by a vast accumulation of worldly riches,† produced strife, until "the offspring almost destroyed the parent." I would here observe, that we commit a grave error in this our day when we suppose

* Macaulay says, "The spiritual supremacy arrogated by the Pope at this time, was productive of far more good than evil."—*History of England*, Vol. I., p. 9.

† "The Abbey of St. Augustine, dedicated to St. Peter and St. Paul, but generally called St. Augustine, was the primitive centre both of intellectual and religious illumination, for the Southern shores of England, and was endowed with 11,680 acres of land; while the original object of its founders was only to secure an appropriate burial place for themselves and their successors. The pilgrim who stopped to gaze on Fyndon's gateway might easily have mistaken the vast pile of buildings for some royal or imperial residence; it had a frontage of 250 feet."—*Hardwick's Introduction to Thomas of Elnham's History of this Monastery*.

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that the religious and doctrinal strife which now exists in England commenced at the Reformation. The contrary is the case; and so it has continued, even in the Romish Church with all its boasted unity. Human nature is the same in every age. Pride and the love of power are ever striving for the ascendancy, as well between ecclesiastics in the same church, as between Churchmen and Nonconformists; all alike forgetful of the declarations of our blessed Lord.

We have recorded the jealousies which arose at Canterbury between the Abbot of St. Augustine's and the Prior of Christ Church; these jealousies were never entirely allayed, for the monks of St. Augustine were for centuries of superior reputation to those of Christ Church, much to the discontent of the latter.

Ante, p. 348.

We have also briefly noticed the long-pending struggle between the Archbishop and his monks of Christ Church, in the attempt to found a college of secular clergy at Hackington, near Canterbury, which extended over portions of the lives of two Sovereigns (Henry II. and Richard I.), and two primates (Baldwin and Hubert), and which Professor Stubbs says may be regarded as the last attempt to utilize the property of the monasteries, before the reformation.*

Lower's
Battel Abbey,
p. 72.

We must now add the Abbot and monks of Battel to the long list of ecclesiastical disputants in a matter again affecting the chief manor of Wye; for we find it recorded in the chronicles of the Abbey that during the reign of King Stephen a great storm happened on our coast, and a vessel belonging to the Port of Romney, within the jurisdiction of the Archbishop, was wrecked upon the land of the Abbey, in Dengemarsh, belonging to Wye, when the crew with difficulty saved their lives. This wreck led to a

* Readers interested in these controversies will be amply repaid by a perusal of Professor Stubbs' Introduction to the *Epistola Cantuariensis*, which records the seizing, by Archbishop Hubert, of "the Marsh of Appledore," and the oblations of the high altar, as two of the acts of aggression of this Primate.

conflict between the Archbishop of Canterbury and the Abbot of Battel. William de Ipres (then Earl of Kent) sided with the Archbishop; but after a long controversy it was decided that the Abbot had made good his cause, and in disposing of the salvage he pacified the Archbishop and his friends with a portion of it, and took the remainder.*

But we must do justice to the missionary spirit which prevailed, with all this strife, and extended even to the Weald, for its spiritual destitution during the twelfth and thirteenth centuries was not lost sight of. Of the manors, &c., returned in Domesday as possessing churches, in the shires of Kent, Sussex, and Surrey, one would have supposed that the greatest number, in proportion to the number of manors, would have been found in Kent; but it would appear that this was not so. Surrey has rather the advantage. Adopting Mr. Hussey's Lists, in his Notes on the Churches, we find :

Kent, with its 960 Manors, possessed 183 Churches.

Sussex,	286	„	„	110	„
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Surrey,	118	„	„	70	„
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Neither the owners nor the occupiers of the denes, alone, could secure the erection and endowment of a parochial church; but by the creation of new manors by the Sovereign and his subjects, to many of which churches were soon appendant, and the conversion of ancient denes into manors, with the aid derived from the lay-barons, the existing spiritual wants were supplied. Timber was most abundant, and often was used with no niggardly hand, while stone was supplied from the neighbouring quarries.

When a layman wished to found a church, he obtained a licence from the Bishop, the site was then selected, and when approved of, a cross was erected by the Diocesan

* "The pages in the histories of these and other similar foundations," says Mr. Hardwick, "are darkened by the narrative of feuds, broils, and jealousies, of furious charges, and as furious countercharges, of stubborn lawsuits and envenomed bickerings, which are sometimes thought to be the special characteristics of these later and less favoured ages."—*Introduction to the Hist. of St. Augustine's Monastery*, p. vi.

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or his Commissioners. The materials were next provided, the Bishop in his robes attended, and, having offered a prayer, perfumed the ground with incense, and the people sang a collect in praise of the saint to whom the church was dedicated. The corner stone was crossed, and the proceedings terminated with a feast.

¶ Benenden, Hadlow, Palster, and Tudely* (only an oratory it is supposed), we have seen, were the only four places in the Weald returned in the Survey as possessing churches; though it is probable from the great antiquity of Newenden that there was one there also, for, as has been before remarked, Domesday is not to be entirely relied on respecting its return of churches. Over the porch of Newenden church, says Hasted, there was formerly a room with iron grates to the windows, which constituted a gaol for the township (then exempt from the Hundred), and was taken down about two centuries ago. The ancient steeple and chancel of the church were also removed as ruinous about the beginning of the last century. The church of Tunbridge was erected by Richard de Tonbridge or his descendants, and one of them is said to have given it to the monks of Lewes. The possession of it was afterwards resumed by that family who continued to hold the Lowy, and in the reign of Henry II. the church was given, with the advowson, by Richard, Earl of Clare, to the Friars of the Holy Hospital of Jerusalem. King John, in the first year of his reign, confirmed this gift in frankalmoigne for ever "for the salvation of his own soul and the souls of Henry II. and his consort, and of all their ancestors and successors."

Tenterden, then part of the ancient possessions of the monastery of St. Augustine, like other churches in the Weald, was appendant to a newly-created manor, often formed out of denes. Cranbrook was held of the See of Canterbury. Hawkhurst of Battel Abbey. When the

* The patrons of Benenden, Hadlow, and Tudely, are now laymen, and Palster no longer exists as a parish; it is merged in Witterham, which is in the gift of the Archbishop.

Priory of Leeds was founded, in 1119, by Sir Robert de Crevequer, he endowed it with Goudhurst, and all the other advowsons of the churches on his estates; and a like course was often pursued on the establishment of other religious houses in the neighbourhood.

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During the reign of Henry II., Richard de Lucy, Chief Justice of England, founded a priory of black canons at Lesnes or Westwood, in Erith, to the honour of St. Thomas the Martyr,* and he became one of the canons. He gave the church of Marden to the priory in pure and perpetual alms. Marden, as it will be remembered, was appendant to the royal Manor of Middleton, so that the Crown must have sanctioned the erection and endowment of a church there by a subject.

The following presentation to Marden by King John, which is interesting from its antiquity, also shows that the patron, like many others, had got into disgrace with this monarch:—

“John, by the grace of God, &c. Know ye that we out of respect for God, have granted and, so far as pertains to a patron, have given, and by this our charter have confirmed, to our well beloved and faithful J. de Welles,† the church of Meredene, which is of our gift by reason of the land of Robert de Boneboz, which is in our hand for that the same Robert has withdrawn from our fealty and service. To have and to hold all the days of his life, with all its entirety as well, and in peace freely and quietly and entirely as any of his predecessors ever held it. [Then follow the names of the witnesses to the charter] Given by our hand, at Nottingham, the 22nd day of February, in the 6th year [1205], etc.”

Marden,
Memb. 6.

Smarden must have been one of those cases where denes belonging to the See of Canterbury were converted into a manor after the Conquest, and a church erected appendant to the manor. After the death of Archbishop Hubert (13th July, 1205) the church happened to become vacant, and King John made the following presentment:

“John, by the grace of God, King of England, Lord of Ireland, etc. Know ye that we, out of respect for God, have granted and, so far as pertains to a patron, have given, and by this our present charter confirmed, to

Smarden,
Memb.
11 V. 3, p. 235.

* He had taken a very prominent part against Archbishop Becket; he now became the founder of the first church dedicated to him.

† In other records he is called “Jocelyn de Welles, the King’s clerk.”

CHAP. XXXII. our well beloved Clerk, Adam of Essex, the church of Smerden, being vacant and in our disposition by reason of the Archishopric of Canterbury being vacant and in our hand. To have and to hold with all its appurtenances and liberties, in frank, pure, and perpetual almoigne, so long as he shall live, as well, freely, and quietly and fully as any person is known to have been incumbent over it. [Witnesses named.] Given by the hand of Hugh de Wells, Archdeacon of Wells, at Canterbury, the 1st day of December, in the 7th year [1205], etc."

The family of Camvill or Canvill accompanied or followed the Conqueror to England, and became possessed of the church of Westerham and its appendant chapel, Edenbridge. The following summons in the reign of King John is interesting as a matter of Church history:—

Abbreviatio
Placitorium,
p. 88.
Trinity Term,
15 John (1213).

"Clement the Chaplain is summoned to show by what advocate [patron] he holds himself in the churches of Westerham and of Edelmehrigg. And he says that he holds himself in those churches by the presentation of Hugh de Canvill and Christiana his wife, and since they died he holds himself in them by the presentation of Thomas de Canvill, their son, paying to the Monks of Wast, in Boulonnois [a French Abbey] eight marks, as annual alms."

Ante, p. 67.

The Bishopric of Rochester, it has been already stated, was formed next after Canterbury. Lambarde describes it as "being severed from Canterbury (for the most part) by the Water of Medway." Shoreham, one of its Deaneries, was a "Peculiar," deriving its origin from an ancient privilege of the See of Canterbury that wherever any advowsons and manors belonged to it though situate in another diocese, they forthwith became exempt from the Ordinary, and were reputed Peculiars of that See. Thus Brasted, Chevening, Chiddingstone, Hever, Hunton, Peckham, Penshurst, Sevenoaks, Sundridge, and Wrotham, all in West Kent, and situate within or on the borders of the Weald, though in the Diocese of Rochester, were with other parishes belonging to this Deanery originally exempt from its jurisdiction.*

Peculiars.

Of the thirty-five places in Table No. 3, not mentioned in Domesday which became parishes, the Archbishop is

* Under an Order in Council in 1845, pursuant to the Act 6 and 7 William IV., c. 77, the Dioceses were altered, and the "Peculiars" became subject to the jurisdiction of the Archdeacons.

now patron of twelve of the principal ones, eleven are in lay hands, two in the gift of the Dean and Chapter of Canterbury, and the remainder in the gift of the Crown, the Dean and Chapter of Rochester, and the Colleges.

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Sussex, when an entire kingdom, had only one Diocese, Selsey (afterwards transferred to Chichester), which was at first co-extensive with the kingdom, and then with the county; here also the See of Canterbury had its Peculiars, and many of them ran through the forest district; they were the gift of Ceadwalla, the king who endowed Selsey at the beginning of the eighth century, and founded the Collegiate Church of South Malling, in Sussex. The Sussex Peculiars were eleven in number, and commenced at Wadhurst and Mayfield and extended to the Rape of Chichester. The See of Canterbury had Peculiars in Surrey also.

Thus towards the close of the thirteenth century, notwithstanding the extensive fragments of the forest which still existed on the borders, and within the Weald, a complete parochial division had begun to be established, with churches and appendant chapels, though some of the earliest were possibly in the first instance only composed of timber, which in process of time gave place to more substantial and ornamental edifices. Hawkhurst must have been one of many such cases. It had no church at the Conquest, but in the *Taxatio Ecclesiastica* of Pope Nicholas IV. (1291) we find under the Deanery of Cherring (Charing), "*Ecclesia de Haulkeherst*;" while the present parish church, dedicated to St. Lawrence (which Mr. Hussey states was the *first* one), was not built until the fourteenth century (Edward III.)

The erection of all these churches in the Weald led the late Mr. Hamper, the Sussex Antiquary, to write:—

"Five hundred years ago or more,
Or if you please, in days of yore,
That wicked wight 'yclept old Nick,
Renowned for many a wanton trick,
With envy from the Downs beheld
The studded churches of the Weald."

D D

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Of the income of the parochial clergy at this time, I will here merely remark, that though the tithe of wood was due by common law as much as any other tithe, yet it was, by prescription, not payable throughout the Wealds of Kent, Sussex, and Surrey. With so little land then under tillage, it may be imagined how small such income must have been. This was in some measure made up to the clergy by tithe-pannage, called *tack*, which was the tenth hog, or a composition in lieu thereof.

It would also appear that no very definite rules then existed with reference to the collection and appropriation of the ordinary tithes; for in the Chronicles of Battel Abbey it is recorded that up to the twelfth century a moiety of the tithes of the lordship of Wye had been assigned to the drofmen (drovers) of that manor, who must have driven their flocks and herds to and from Battel to Wye, and superintended the pannage of hogs in their denes at Hawkhurst and elsewhere. Thus we are told "the Lord's inheritance became the reward of hirelings;" and Abbot Walter, a man of some renown in his day, seeing this to be quite uncanonical, paid the drovers and oxmen from another source, and with the consent of the Abbey assigned this portion of the tithes to the Sacristan of Battel.

We must now briefly notice the Religious Houses at this time.

Lower's
Battel Abbey,
p. 143.

We have stated in Chapter XVIII. that it was by the instrumentality of the Order of St. Benedict that Christianity was re-introduced into Britain. Tanner, however, doubts this, and contends that the Benedictine rule was not perfectly observed until after the Conquest. Be this as it may, until this brotherhood became rich and luxurious and began to depart from the rules of their founder, they rendered essential service to the nation; not only in reclaiming the people from heathen darkness, but also by bringing our forests and desert lands into cultivation, for by their own hands they drained morasses, grubbed up woods, tilled the soil, and promoted the breeding of cattle.

The Order of
Benedictines.
Ante, p. 196.

In the eighth century there arose in Christendom a new religious order, which held an intermediate place between the monks and secular priests. Partly following the discipline and mode of life of monks, they dined at a common table, lived together, and performed ministerial functions in certain churches; yet they took no vows like the Benedictines (which were irrevocable). They were at first called the Lord's Brethren, but afterwards took the name of Canons, and founded convents. By certain ordinances which were passed in the ninth century, they confuted the then prevailing error that the prescriptions of the Gospel were obligatory only upon monks and clergymen. They also defined the distinctions between monks and canons; the canons might wear linen, eat flesh, hold private property, and enjoy that of the Church; the monks could not do this. Like the monks they were to avoid all vices and practise virtue. They were to live in well-secured cloisters, containing dormitories, refectories, &c. They were to avoid extravagance in ornament and finery in dress, as also uncleanness, and negligence. These ordinances next referred to the duties of canonesses who consecrated themselves to God. They might possess private property, which was to be under the management of some kinsman or friend. They might have waiting-maids, and eat in the refectory and sleep in the dormitory. They were to be veiled and dressed in black. Their business must be prayer, reading, and labouring with their hands; and they were to make their own clothing from the flax and wool given to them.

From this period numerous convents of canons and canonesses were founded, and amply endowed by pious individuals. Like all the others, this order soon degenerated, and the same dissoluteness of morals, which in the eleventh century pervaded the other sacred orders, infected the monastic establishments of the canons. Reforms were instituted on the eve of the Norman invasion, and a stricter system of discipline established, which was not adopted by all. Hence arose the distinction between

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The Order of
Canons.

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regulars and seculars; the former were those who had all things in common, while the latter had nothing in common but their dwelling and table.

The distinction drawn by Professor Stubbs between the two principal religious foundations at Canterbury, will illustrate this point:—

Epistolæ Can-
tuariensis,
p. xxiii.

“The cathedral church of Canterbury was not a monastery in the same sense as that of St. Augustine’s, in the same city; the latter was founded for monastic purposes, the other was the mother church of the whole kingdom, its monastic character being almost accidental; even in its strictest days of discipline it had contained many clergy who were not monks, and many monks who were so only in name.”

Pearson’s
Anglia
Monastica,
p. 55.

At the time of the Conquest the orders of Benedictines and canons in England were thus divided. There were fifty-seven Benedictine abbeys and seventy-eight canonical foundations, and they all suffered in the common afflictions of the Norman invasion. One of their grievances, perhaps a minor one (though not so considered by many in the present day), was their being compelled to lay aside their long-cherished religious services, and adopt a new ritual; another was the election of bishops from the secular priests; a third was the assignment by the bishops of what revenues *they* deemed sufficient to maintain the priors and convents; reserving the rest, and the best Church lands, for the use of themselves and their successors. Great were the complaints of Archbishop Lanfranc’s injustice in the division of the possessions of the see of Canterbury. It was alleged that he had retained the services and fees of the earls, barons, and knights, and had set apart for the monks, the yeomen and husbandmen. The last grievance which Tanner refers to, and which affected the clergy in general, was the Conqueror’s charging for the first time the Church lands with military services, they having been previously held in frankalmoigne, and subject to no duties and charges beyond what they laid on themselves.*

Tanner’s
Preface to the
Monastica.

* One of the earliest grants to the monks of Christ Church for their table, was that of Ethelbald, son of Ethelbert, who gave them the

We have already noticed the acts of spoliation by William Rufus on ecclesiastical property. Henry I., though a very bad man, ranks high among the Anglo-Norman monarchs for his affectation of piety and attachment to the Church. But little can be said of the religious zeal of either Stephen or Henry II., though both were builders of religious houses, and both Richard I. and King John appear to have been strongly prejudiced against ecclesiastics.

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On the fifty eventful years which elapsed between the enactment of the Constitutions of Clarendon and the surrender of the kingdom by John to Pope Innocent III., Professor Stubbs remarks—

“One life of ordinary length might witness the martyrdom of St. Thomas, and the suspension of Stephen Langton. What were the processes by which the changed attitude of parties, and the altered appearances of principles were brought about? Was the difference ascribable only to the inferiority of John to Henry, of Thomas to Stephen, of Alexander to Innocent? What was the direction, the impetus, the initial force of the undercurrent that made it possible for such changes to be wrought by such men? What was the share of Richard, Urban, Clement and Celestine, of Archbishops Baldwin and Hubert, of Ranulf Glanvill, William Longchamp, or Geoffrey Fitz-Peter? For an answer to such questions the student must look, like the archæologist, below the surface of political history. In 1164 he finds kings, bishops, and barons, on one side, the Archbishop and the inferior clergy on the other, the Pope and the people either uninterested observers, or half-hearted partizans. In 1215 he finds the King and the Pope allied against the Church and the people.”

Epistolæ Cantuariensis,
p. x.

Down to the reign of King John thirty religious houses had been established in Kent. Three of them were situate in the Weald, two being priories of Black Canons (so called from their dress), one of them founded at Tunbridge by Richard de Clare, Earl of Hertford, in the reign of Henry I., and the other at Combwell, in Goudhurst, by

church of Adisham, in Kent, A.D. DCXVI., free from all secular service and fiscal tribute, except the three customs of expedition against the enemy, and the building and repairing bridges and castles, these being common burthens from which no one was exempted. In subsequent charters, granted by different Anglo-Saxon monarchs, “freely as Adisham” was inserted, to avoid the repetition of the exemptions.

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Richard de Turnham, in the reign of Henry II. The third was a priory for Premonstratensian Canons,* first founded at Offham, in Sussex, by Ralph de Dene, but which in the reign of Henry II. was transferred to Bayham (near Tunbridge Wells). The collegiate church at Ulcomb, founded by Archbishop Langton, and the priory of the Order of the Holy Trinity at Mottenden (near Headeorn), were not opened until the reign of Henry III.

The first Carmelite Friars in Kent settled in a secluded spot at Losenham in Newenden in the same reign (Henry III.) They were sometimes called White Friars from the colour of their habit. Lambarde says, "They made their nest at Newenden, which was before a woody and solitary place." Sir Thomas Alcher, or Fitz-Aucher, was their patron. By degrees nearly all the best of the Church endowments were engrossed by the monasteries, who provided but scantily for the working parochial clergy, an abuse of power which greatly helped to bring about their own suppression.

I cannot do better than close this chapter with Professor Stubbs' remarks on this subject.

*Epistolæ
Cantuarienses,
p. cxix.*

"From the end of the twelfth century until the Reformation, from the days of Archbishop Hubert to those of Wolsey, the monasteries remained magnificent hosteleries; their churches were splendid chapels for noble patrons; their inhabitants were bachelor country gentlemen, more polished and charitable, but little more learned or more pure in life than their lay neighbours; their estates were well managed, and enjoyed great advantages and exemptions; they were, in fact, an element of peace in a nation that delighted in war. But with a few noble exceptions there was nothing in the system that did spiritual service; books were multiplied, but learning declined; prayers were offered unceasingly, but the efficacious energy of real devotion was not found in the homes that it had reared. The monastic body had sacrificed the opportunity of doing good work for the triumph of a moment. The great prize of their ambition, the government of the Church, fell from their hands. The position occupied from henceforth by the monks of Canterbury,—and their state and weight may be taken as a fair criterion of the whole system,—was void of all political importance; their action in the election of the

* Commonly known by the name of White Canons. Their habit was a white cassock with a rochet over it, a long white cloak and a white cap; their living was according to the reformed rule of St. Austin.

primate was merely nominal. In spite of many efforts to elect men of their own order, only once more did a monk fill the throne of Augustine. With the exception of Simon Langham, whose merits were by no means those of a monastic saint, Baldwin was the last monk who governed the Church of England."

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CHAPTER XXXIII.

THE KENTISH ROADS.—ARCHIEPISCOPAL RESIDENCES.

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WHETHER our earliest principal highways were in number only four, or, as the Itinerary of Antoninus states, fifteen, most writers are agreed that the Romans perfected certain lines of road which had been previously traced out and used by the former inhabitants. Those which passed through Kent and Sussex were distinguished by the names of Watling Street and Ermyr Street. We will not stop to consider which was the most ancient, but refer the reader to Stukely, Gale, Manning and Bray, and other writers on the subject. There appears to be a general agreement that three of our most ancient seaports, Portus Ritupæ (Richborough), Portus Dubris (Dover), and Portus Lemanis (Lympne), as shown in Map 1, were the starting points of the Watling Street road, which became united at Durovernum (Canterbury), where the Sturius (Stour) must have been forded or crossed by a bridge or bridges. Somner says its principal channel ran anciently, as at present, through the middle of the city, but this must be conjecture. He refers to the great inundations which Canterbury had been frequently subjected to; lessened, however, in his day (1641), "the city having been raised in all parts of it;" a statement confirmed by recent discoveries in drainage works. Proceeding to Durobrivis (Rochester), the Watling Street road crossed the Madus (Medway), but, according to Dr. Harris, somewhat to the north of the present bridge. Harris

Antiquities of
Canterbury,
p. 38.

p. 255.

quotes a tradition handed down to Dr. Plot, that the Medway was anciently fordable here, but he thinks it is much more probable that it was crossed by ferry boats. The road may be traced through Londinum (London)*, Verulam (St. Alban's), and so on to Chester, according to some writers, or Chester-le-Street, in Durham, according to others. The Ermyne Street road may be traced from Scotland, according to some authorities, or from St. David's, at the south-western extremity of Wales, according to others, to its termination at one or more of the following places:—Pevensay, Chichester, and Southampton.

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Owing to the conflicting opinions respecting the course of the Roman roads in Sussex and Surrey, I have thought it better, notwithstanding what is stated towards the close of Chapter III., to omit all notice of them on the Map No. 1,† as well as the coast road from Chichester to Richborough, though there is every reason to conclude that such a road existed, varying its course along the coast, as progress was made in reclaiming Romney Marsh.

The main or military Roman roads were constructed with extraordinary skill, usually traversing the open country and avoiding forests and dense woods where practicable. Their Curator of the Highways was an officer of distinction, and that post was held by censors, consuls, and tribunes. Some of the roads they formed still retain their names, especially in Italy. Subordinate *curatores viarum* were also appointed, and Rome having taken possession of Britain, and "trampling on impossibilities,"

Roman Roads.

Manning
Eray,
Vol. III.
p. xlix.

* Harris confidently asserts that the old Roman Watling Street way went directly from Lambeth Ferry to Rochester and Canterbury, and he gives at great length the result of his personal observations, accompanied by Dr. Plot in quest of Roman roads in Kent, to which I must refer the reader.

p. 363.

† One instance among many others of this conflict of opinion on the Roman roads in Kent will suffice. It has long been a moot point which town was the original Durolenum or Durolevum in the 2nd Iter of Antoninus. Lenham, Charing, Milton, Newington-next-Sittingbourne, and other towns have all been named, and much has been written on the subject by able men, but all is still only conjecture.

Antiquities of Kent

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employed her soldiers in road making; while "the inhabitants among stripes and reproaches" were compelled to assist. In the construction of these roads

Smiles' Life of
Telford, p. 4.

"Level does not seem to have been of consequence, compared with direction. This peculiarity is supposed to have originated in an imperfect knowledge of mechanics; for the Romans do not appear to have been acquainted with the moveable joint in wheeled carriages. The carriage-body rested solid upon the axle, which in four-wheeled vehicles were rigidly parallel with each other. Being unable readily to turn bend in the road, it has been concluded that for this reason all the great Roman highways were constructed in as straight lines as possible."

These military roads were known as *Vie regie*, *Basilica*, *Prætorie*, *Consulares*, *Militares*, &c.

p. 86.

Dr. Gale, in his comment on the Itinerary of Antoninus, says that as the Stone Street way went from Canterbury to Stutfall Castle, so there was another Prætorian way which went from Saltwood Castle to Lenham, and that these two ways intersected each other at Lyminge. He further states the old word Lemen did anciently signify public way, and that Lenham took its name (*quasi* Lemingham) from being on this Prætorian way. Lambert he considers took its name, Lemehith, from the same original, as being on a public Roman way which there crossed the Thames. From this Dr. Harris infers that there was another Roman way, first from Stutfall and afterward from Saltwood Castle by Lyminge, thence between Crundale and Wye [by Cold Harbour] to Charing [avoiding Ashford], and so on by Lenham, Bersted, Boxley [Penenden], Trottiscliff, and perhaps by Oldborough in Ightham and so to Farnborough, and by Keston to London. In support of this opinion he refers to the Roman coins, &c. which have been found at all these different places. But again this is merely conjecture.

Wright's Celt,
Roman, and
Saxon, p. 184.

Numerous branch-roads were also formed by the Romans, which they termed *viæ vicinales*; others were called *agrariæ* or country-roads, and *deviæ* or bye-roads.

* Condemned criminals also were often employed on the roads.

† Talbot, in his Annotations on this Itinerary (as cited by Burton), also says there were anciently two Roman ways which passed through Kent.

These were of course formed with much less labour, still they were sufficiently durable to leave in some cases slight traces down to the present day. We have ample evidence that some of these bye-roads were constructed by the *Romans* in the Weald, as detached portions of them are to be met with in Kent, Sussex, and Surrey. The Spood or Cinder-lane leading from Cowden to the Roman Camp at Lingfield, where traces of iron slag have been discovered, affords evidence, in common with many other localities, that iron was supplied at that time from different parts of the Forest.

Passing on from the abandonment of Britain by the Romans to its possession by their successors, the Anglo-Saxons (who were unskilled in road making), we find that they kept in use many of the principal roads in different parts of the island, to which they gave the name of streets, from the Latin *strata*, already noticed in the case of Cæsar's Street from Lympne to Canterbury, while the country and bye roads were allowed to fall into decay,* so that the forests and woods gradually resumed their dominion over them.

The Anglo-Saxon inhabitants who settled on the ridge of the Forest, as indicated in Map 2, turned their rights over it to the best account, and took their pastime in hunting. Beyond a few sanguinary conflicts with the Danes, this portion of the shire was comparatively free from struggles either with foreign or internal foes.

The absence of regularly defined branch and cross roads at this period is further established by the Anglo-Saxon charters, in which the boundaries of the estates are rarely indicated by highways as in the present day, but chiefly by streams, crosses, trees, &c.

The original drift or droveways in the Weald were of the nature of private ways to the different denes, but

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Horsfield's
Sussex,
Vol. I.,
pp. 56, 157,
161, 232.

Manning and
Bray's Surrey,
Vol. I., p. 267.

* The Saxons took more care in preserving the bridges constructed by the Romans than the roads they formed. Mr. Wright thinks most of our bridges at the time of the Norman Conquest were Roman.—*The Celt, the Roman, and the Saxon*, p. 187.

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were afterwards utilised and adopted as highways. If the reader will refer to the Map No. 2, he will find that all the laths originally formed by our Anglo-Saxon ancestor and which possessed common rights over the whole Forest extended from north to south, and those who are familiar with our most ancient roads on the confines of the Forest from Sevenoaks to Ashford, are aware that they traverse the Quarry Hills from north to south in the direction of Sussex. Now as Sussex could not be reached by the roads at this time without the greatest perseverance and difficulty, I can come to no other conclusion than that they formed the original drofways [droveways] from each lath to the Forest, which the drofmen [drovers] adopted on their way to and from their respective drofdene. It can be easily imagined that in process of time these beaten tracks became next the pack and primeway for man and beast,* and were also adopted by the "hewers of wood," as the demand for timber increased while the Medway and the Rother were resorted to when practicable, for floating the timber down these rivers to suitable landing places. For the Royal axe was soon at work in the Forest, felling timber for ship-building and other national purposes; the ecclesiastical axe for church building and glebe houses; and the axe of the lay tenant in capite, and their sub-tenants, for farm buildings and fuel. At a later period, when we reach the reign of King John, we find the following appeal from him to his subjects in Sussex to assist him in removing the Royal timber from the Weald as a favour, and not as a right:—

Blaauw's
Royal
Journeys.
Sussex
Archæological
Collections,
Vol. II., p. 134.

"The King, to all earls, barons, knights, and freeholders of the county of Sussex greeting. We pray you for the love of us to assist us now in carrying our timber to Lewes, resting assured that we ask this not as right, but as a favour, nor is it our will that the same be turned into custom to your prejudice, and so act in this that we may have cause to thank you. Witness, Geoffrey Fitz-Peter, at Lambeth, the 14th day of July [1207]."

* A bridle way in Kent, says Bishop Kennett in his Glossary, was formerly called a *sheer-way*, as separate or divided from the common road or other highway.

For the purposes of the shiremute it may be considered that approaches and roads from the different laths to Penenden Heath existed, if not before the reign of Alfred, certainly long before the Norman invasion, as the men of East Kent (according to Domesday) were not to be compelled to go further than Penenden Heath to attend them.*

The roads leading from the Weald which crossed the Quarry ridge in a northerly direction, made Penenden a desirable spot to this part of the county for the transaction of its business. A coast road had also been formed before the Conquest from Hastings to Dover; for William the Conqueror, after the battle of Hastings, proceeded we have seen with his army to Romney, and thence to Dover. As Domesday is silent respecting these roads, I have not ventured to trace any of them in Map No. 2, which gives only the outline of the county of "Chenth.†"

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Ante, p. 268.

Ante, p. 211.

It was provided by our Anglo-Saxon laws that all offences committed in the *viæ regiae*, *chemini majores*, or the four King's highways, were to be tried only before the King himself; while offences committed on the branch roads, the *viæ vicinales*, were tried before the Earl or by his vice-comes or sheriff.

The only references to the highways in the Domesday of Kent are at the commencement. The first is a recognition from the men of the four laths that the underwritten is one of the King's laws:—

"If any one shall make a hedge or ditch, by which the King's highway is narrowed; or shall throw withinside of the way a tree standing on the outside, and shall carry away bough or twig thereof; for each of these forfeitures he shall pay the King an hundred shillings; and if he shall have gone home not apprehended, or bailed, yet the King's officer shall follow him, and he shall emend in an hundred shillings."

Larking, p. 93.

* The gallows or place of public execution for the shire was erected at Penenden.

† It may be necessary to state here that the letter *k* was not in use by the Anglo-Saxons, but was represented in their language by the letter *c*; names in which *k* occurs have therefore been corrupted since the Norman Invasion.

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The second is under the head of the City of Canterbury:—

Larking,
p. 90.

"It is agreed concerning the direct roads which have entrance and egress through the city. Whoever commits forfeiture in them shall emend to the King. In like manner, with regard to the direct roads without the city, as far as one leuga and three perches and three feet. If, therefore, any one dig or fix a stake in these public ways, within the city without, the King's reeve follows him wherever he may have gone, and shall receive emend to the King's use. The Archbishop claims forfeiture in the ways without the city on each side where his land is."

Taylor's
Words and
Places, p. 256.

Cold
Harbours.

Words and
Places, p. 256.

Pilgrims.

The cruelty and havoc of the Danes with their devastating fires had laid waste the two cities, and many of the towns and villages in Kent, with their religious houses and Archbishop Lanfranc commenced himself, and encouraged in others, the work of restoration. The monastic institutions, scattered, as they generally were along or near the principal highways, served as hostelry and secured to the traveller a certain amount of creature comfort, regulated by his rank and station; but where they did not exist he had to content himself with bare walls, supplied by the ruins of deserted Roman villas which, at least as late as the period we have now reached, were often used by travellers who carried their own bedding and provisions. To these refuges for the destitute the name of Cold Harbour was often given. We have still a Cold Harbour at Wye, on an ancient line of road under the Downs. There was another at Northbourne, one near the New Cross railway station, and I assume there was one outside the Northgate of Canterbury; for, as a boy, I well remember Cold Harbour Lane. Taylor says no less than seventy places still bear the name; about a dozen more bear the analogous name of Caldicot, the cold cot or hut. There was a Manor of Caldicot in the Borough of Saint Martin, Canterbury, extending over part of the old park on the road to Sandwich, and Calcot-hill and Common between Sturton and Herne, both in cold, exposed situations.

Pilgrimages to the Holy Land materially increased the traffic through Kent; and a writer who is by no means

prejudiced in their favour yet allows that they had, incidentally, some good effects. "It was better," says Lord Macaulay, "that the rude inhabitants of the North should visit Italy and the East as pilgrims, than that they should never see anything but those squalid cabins and uncleared woods amidst which they were born."

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Though Becket's shrine was not completed, and the translation did not take place until four years after the death of King John, yet, from the period of his murder, the Archbishop's tomb attracted many a pilgrim, as we learn among other sources from Richard of Devizes, who makes a Jew tell a Christian lad that "Canterbury is so thronged with pilgrims that they are dying of want in the streets."

Pearson's
Historical
Maps, p. 37.

One of the many pilgrims' pathways to Canterbury led from Hampshire over the Forest ridge in the direction of Canterbury; and when it entered Kent gave rise to a groundless tradition that this pilgrims' way formed the boundary of the Weald of Kent. That the pilgrims would travel on the outskirts of the Forest was more than probable, and the way they so tracked out might naturally, though erroneously, lead to such a conclusion.

The erection of churches in the Weald, between the landing of King William and the death of King John, occasioned the widening, improvement, and increase of the highways; to which was often added, in process of time, raised footways to the churches in stone or wood in the localities where floods were frequent; and some such still exist in the centre of the Weald. Villages under the control of lords of smaller manors, created by subinfeudation, soon sprang up, and with them a more settled though scattered population.

The conclusion we may fairly come to is, that the earliest means of communication with the interior of the Forest consisted of drift* or droveways, followed by pack

* "A drift" was a view or inspection of what cattle was in particular dens; it was made at certain times of the year, when the stock was driven into some enclosed place, and it was then discovered whether

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or primeways (which included horse and footways); ending at last in the *altaria regia*, or king's highway, common to all. This common highway, however, was at first distinguished from the *communis viam*, belonging to a city or town, or leading from market to market, though this distinction has long since ceased.³

Thus by slow degrees portions of the forest barrier between Kent, Sussex, and Surrey, were removed, and the first highways were constructed, not with Roman perseverance and skill, but by felling timber, and covering it with brushwood and earth.⁴

Ante, p. 84.

The Stour at Ashford on the confines of the Forest must then have been forded, as the name implies. There are no remains of great antiquity about the present bridge, or indeed in any part of the town. Not so at Wye. The traveller landing at the Portus Lemanis (Lympne), and not wishing to go by the Stone Street road to Canterbury, but into the interior of the county, would travel by Westenhanger under the Downs by Cold Harbour to Wye, and having crossed the Stour at or near Wye he could proceed by Charing to Penenden; and he would meet with no serious impediment until he reached the Medway.

Wye, though deprived as we have stated of much of its importance at the Conquest, was still the chief manor of the Abbey of Battel; and there must have been frequent communication between the two places. Hawkhurst, situate about midway, was one of its dependencies, and often no doubt made a halting place. Walter, one of its earliest Abbots (a man of some renown in the reign of King Stephen), had been for a long time failing in health,

there were any cattle of strangers there. A tribute or payment was made by some tenants for the privilege of driving their cattle through the denes of others, which was called drofland or drifland.

* The first interference of Parliament in the management of the highways was in the next reign (Henry III.); but provision was made as early as the reign of Henry II. for the construction of bridges and embankments; and one of the "three needs" of Anglo-Saxon times was a tax for the maintenance of bridges.

† Something of the kind still exists in the "corduroy roads" of the back settlements of America.

Ante, p. 140.

and during an official visitation of Wye, his weakness increasing, he sent to Faversham Abbey for Abbot Clarendald, a man of great sanctity, to confer with him concerning his soul's health. Growing worse, he was anointed and laid in a litter and conveyed by horses from Wye to Battel, where he expired. One's curiosity is roused respecting the route he took. Did he travel over Challock hill (part of the possessions of Wye) into Charing, and so on through Pluckley, descending into the Weald by Smarden, and so by Cranbrook to Hawkhurst, and thence through the Weald of Sussex to Battel?

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Lower's Battel Abbey, p. 150.

A considerable continental traffic was at this time carried on in our ports and on our principal thoroughfares; indeed, Mr. Pearson says "Kent and the Eastern Counties became the great highways of a vast European trade;" still we are without any reliable statistics respecting our exports and imports. We know that a large export trade of wool, especially from Kent, was carried on with Flanders, but this was interrupted by a destructive inundation in the year 1102, which compelled numbers of Flemish weavers to seek refuge in England. The ransom of Richard I. was partly paid by the borrowing of one year's wool from the Abbeys and religious houses. The Chamberlain of London, in rendering his account between the close of the reign of Richard I. and the accession of King John, returns £23 12s. for the fines of merchants for leave to export wool and leather, and £20 for sale of wool belonging to William de Boulogne.

Hist. Maps of England, p. viii.

Smith's Memoirs of Wool, Vol. I., p. 16.

It is no easy matter to define the relative importance of our towns, for the term "town" was then in such general use, being applied to places not larger than Pluckley, Smarden, and Great Chart, now called villages, until the time when the term "parish" included the civil as well as the ecclesiastical name given to them. The verses which Henry of Huntingdon quotes in praise of England in the twelfth century, name Rochester as fair to look upon, and Canterbury as famous for its fish.

Then as to the travellers, the dignitaries of the Church

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and their missionaries became the greatest travellers in England in times of peace; and with such rude and imperfect roads branching off from the main thoroughfares, frequent resting places at convenient distances were of great importance to them in their journeys to set out the sites of new parochial churches and consecrate and visit them. Thus the scattered manorial residences belonging to the See of Canterbury, for I will not call them *Palaces* (an improper term for Ecclesiastical residences at any time), were resorted to for this purpose.

Besides the Archbishop's chief mansion in Canterbury he had then, in Kent alone, eleven castles and manor houses at the *least*, viz. :—

ALDINGTON,
CHARING,
FORD, NEAR HERNE,
GILLINGHAM,
MAIDSTONE,

OTFORD,
ROCHESTER CASTLE,
SALTWOOD CASTLE,
TEYNHAM,
WINGHAM,

AND WROTHAM.

Benkesbourne and Knole had not then been acquired by the See of Canterbury, and Rochester Castle was held but for a very short time.

In addition to these mansions in Kent,* residences at Lambeth, and Croydon in Surrey, belonged to the See,† and two in Sussex, viz., Mayfield and Slindon. Mayfield‡ was the first Archiepiscopal resting place in the Primate's journeys from Kent to Sussex. Dunstan had a mansion here, which was so enlarged by subsequent Archbishops that it became one of the stateliest edifices in the South of England. Three Archbishops died there, Mepham, Stratford, and Islip. Slindon was the second resting place, where the celebrated Archbishop, Stephen Langton, died at the

Lower's
Sussex,
Vol. II., p. 46.

* Lambarde states that in the subsequent reign of Edward I., Archbishop Winchelsea, having fallen under the King's displeasure, withdrew from his family and attendants at Canterbury, and retired to the Priory at Chartham and preached for a time in the adjoining churches. There was then a vineyard in this Priory well stocked with vines.

† Addington, now the country residence of the Primate, was only acquired in 1807, after the abandonment of Croydon. The manor was held by Tezelin, the King's cook, when Domesday Survey was compiled.

‡ The Council for the regulation of Saints' Days was held at Mayfield in 1332.

beginning of the reign of Henry III. Thus the Primate could visit the whole of his Diocese, including his peculiars in the adjoining counties, and yet take up his abode at the end of each day's visitation in his own mansion house. He was not so fortunate when he travelled abroad, for the Earl of Boulogne claimed by ancient custom as Lord Paramount the first time any Archbishop of Canterbury crossed the sea from Dover to Whitsand in his journey to Rome, the best sumptuary horse which the Primate had with him, together with all his lading and harness; and that the Archbishop should lay before the Bailiff of Whitsand a heap of sterling money, and the Bailiff was at liberty to take as much as he could with both hands together, which exempted the Archbishop and his retinue and messengers from all toll and custom during the remainder of his primacy.*

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Battely,
Pt. II., p. 56.

We have seen the Anglo-Norman monarchs uncere-
moniously appropriating and wasting the revenues of
the See of Canterbury during the vacancies which were
constantly occurring, and we may readily believe that
the Sovereign would not hesitate to avail himself of the
manorial residences belonging to the See whenever re-
quired by him or his dependents. We may be well
assured that this course must have been pursued during
the reign of King John, and in proof we have only to
refer to his Itinerary, in the last two chapters. "This
King's power of locomotion was the wonder of his times.
In one year he changed his residence 150 times,† and the
inconvenience arising from such a course probably led to
the insertion in Magna Carta of a provision that the Court
of Common Pleas‡ should not follow the King's Court, but
be held in a certain fixed place."

Ante,
pp. 278, 328.

Royal Jour-
neys in Sussex.
Sussex
Arch. Coll.,
Vol. II., p. 136.

* Archbishop Winchelsea in 1306 compounded for this custom for thirty marks sterling.

† Matthew Paris records with wonder the speed with which he travelled by day and night in 1202, in order to rescue his mother when besieged in the Castle of Mirabell, in Normandy.

‡ So styled by anticipation; the division of the court was only com-
menced by Henry III., and was completed by Edward I.

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The reader, with a map of the South Eastern Counties and King John's Itinerary before him, may trace pretty accurately the country which he would have to traverse. We will take one journey in the year 1206, after the death of Archbishop Hubert, when the See of Canterbury was vacant. On the 2nd of April in that year the King was at Canterbury, which was very often his headquarters in Kent; and I may here remark that we are apt to express surprise that we possess so few records of these and similar royal visits. We must remember, however, that they were often very hasty ones, and that in those days there was no "Court Circular" to note down the movements of royalty. The King possessed his castle at Canterbury.* He had also the vacant Archiepiscopal residence, which Archbishop Hubert had just left unfinished, though he lived long enough to construct a stately hall for the reception of royal guests, which his successor Langton completed; and there was also the monastery of St. Augustine's, with its reputation for royal entertainments; as more were given there than in the neighbouring but rival establishment at Christ Church. If foreign or domestic war was imminent, he would no doubt abide at the castle, but if an ecclesiastical contest was raging, the Sovereign would go to the religious establishment which at the time most favoured his cause.

But we will return to the Itinerary. On the 3rd of April, 1206, the King proceeded from Canterbury to Dover, and probably would make his great stronghold, the Castle, his place of abode, though no doubt he could find excellent accommodation in the Priory. On the 4th he reached Romney and remained there the following day. On the 6th he arrived at Battel; on the 7th at Malling (Sussex); on the 8th at Knepe Castle; on the 9th at Arundel; and on the 10th he reached Southampton. It

* Hubert de Burgh was made Governor of this Castle June 25th, 1215, but he had his hands full in defending Dover Castle, and it was taken, we have seen, the following year by the Dauphin of France, on his way from Sandwich to Rochester.

will naturally be asked how did he get in those days from Dover to Romney? Mr. James Elliott, the resident Engineer in Romney Marsh, doubts the existence at this time of a direct coast road from Dover towards Romney beyond Hythe or Lympne. But he imagines that if the King travelled by road on this occasion he traversed the Quarry ridge bordering on the Weald. It must be remembered that King John was an excellent sailor, and there was always a good understanding between him and the Cinque Port mariners; the journey from Dover to Romney might therefore have been performed by sea. On arriving at New Romney the King would take up his abode at the manor house belonging to the See of Canterbury,* for the last of the alien Priories, founded there by Maunsell, the Provost of Beverley, had not been erected at this time. Battel could be reached by Rye and Hastings by sea, or by crossing the Rother at Newenden, if the journey was by land.

This is all I have been able to glean concerning our highways, byeways, and travelling in Kent to the end of the reign of King John.

Pursuing the course I have hitherto adopted, I propose to commence the second volume with an outline of the leading events in Kent during the reign of Henry III., including the Barons' war, which occasioned a more frequent intercourse among the inhabitants of the Wealds of Kent, Sussex, and Surrey.

* Mr. Blaauw is in error in supposing that Romney was then a *royal* manor.—*Sussex Arch. Coll.*, Vol. 2, p. 134. It might have been in the King's hands at the time.

1

2

APPENDIX A.

A SKETCH OF THE PHYSICAL FEATURES OF THE
CRETACEOUS* BEDS IN THE SOUTH-EAST
OF ENGLAND.

BY

HENRY B. MACKESON, F.G.S.

THE beds which form the soil of the counties of Kent and Sussex are exclusively of aqueous origin, termed by geologists sedimentary, as proved by the fossils or organic remains imbedded therein, differing materially in their structure and origin from the granite and serpentine of the county of Cornwall, in the opposite corner of our Island. The general landscape differs no less than the geological structure, whilst the characters and employments of the inhabitants in both cases are influenced by the soils. In the south-west of England the population consists principally of miners; in the south-east it may be described as purely agricultural. My observations will be confined to the cretaceous beds of Kent and Sussex. I shall describe somewhat in detail the salient points in the geology of East Kent; and as the natural sections on the shore between Dover and Hythe are so admirable, I shall venture to select them for particular notice, as they offer an epitome of the leading features of the district. I will proceed to enumerate

* From Creta, *chalk*.

the cretaceous beds as they occur in the south-east of England :—

UPPER CRETACEOUS.

- 1 White chalk with flints.
- 2 Grey chalk or chalk marl.
- 3 Upper green sand.
- 4 Gault.

LOWER CRETACEOUS.

- 1 Lower Green sand.
- 2a Weald clay, and
- 2b Hastings sand ; together, styled Wealden.

I shall notice them in chronological order, commencing with the oldest, or first deposited.

The term Wealden was first suggested by Mr. Martin, of Pulborough. Great was the interest excited when the researches of the late Gideon Mantell first led to the identification of the Wealden as a deposit due for the most part to fresh-water agency, and, as has since been confirmed by accumulative evidence, of fluvial origin—in strange “geological contrast” to the marine or salt-water beds overlying it. The area over which the Wealden deposit has been traced extends from the coast of Dorsetshire to the Bas Boulonnais, in France, from west to east ; and from north-west to south-east from Hampshire to Beauvais, in France ; it is probable that it extends also into Hanover and Westphalia, where beds of similar character occur. Its extent, however, does not preclude the probability of the deposit in England, France, and Germany, being contemporaneous and continuous. The delta of the river Quorra, in Africa, is cited by Dr. Fitton as covering a surface of more than 25,000 square miles. Nor can we limit its boundary to its exposed surface. In many instances where the overlying cretaceous beds have been artificially pierced, the Wealden has been discovered underlying them, and may be generally observed where sections occur dipping under the beds of the Lower Green Sand. Its extent may therefore be fairly inferred to exceed the limits above assigned to it. Its thickness, as estimated by Drew, in the “Memoirs of the Geological Survey,” is 1,840 feet. The Purbeck beds which immediately underlie it are for the most part fresh-water, but are grouped by geologists in the Oolitic system. Those unaccustomed to study the wonders of geology can scarcely grasp the fact of such an enormous amount of river sediment. How long did the mighty river roll seawards its turbid waters charged with the silt which now forms the solid land of the Wealden ? But the extent and thickness of these fresh-water beds are as nothing when compared to some of the older marine formations. Sir Charles Lyell states the thickness of the Nova Scotia coal fields to

be 7,500 feet, and their area 86,000 square miles, and sums up by estimating them to contain 51,000 cubic miles of solid matter. "If it be asked," he says, "where the continent was placed from the ruins of which the Wealden strata were derived, and by the drainage of which a great river was fed, we are half tempted to speculate on the former existence of the Atlantis of Plato. The story of the submergence of a continent, however fabulous in history, must have been true again and again as a geological event."*

It will be sufficient to describe the above sub-divisions of the Wealden in two leading groups—Hastings sand and Weald clay. Their physical features thus considered are sufficiently marked to impress distinctive characters on the district. Stretching inland the Hastings sand forms the "Forest Ridge," and its hills and valleys include the romantic scenery for which the district is so celebrated.

Rich in mineral wealth, the Weald needs but the presence of coal to regain its former position as one of the leading centres of the iron manufacture.

Mr. M. A. Lower, in his "Contributions to Literature," gives much interesting information on "The Iron Works of the South." The existence of the manufacture has been traced back to the period of the Romans; and the railing round St. Paul's Churchyard, London, is said to have been made of iron from Lamberhurst. The rapid disappearance of timber felled for the purpose of smelting, coupled with the discovery elsewhere of ferruginous ores in close contact with coal, extinguished the iron trade of the Hastings sand beds; but, should the speculations of Mr. Godwin Austen prove correct, the district may once again regain its position. In a paper read before the Geological Society, 30th May, 1855, he produces evidence in support of his theory that coal may possibly exist at no great depth below the Wealden. The out-crop of the Hastings Sand on the coast of Kent is concealed by the alluvial deposit of Romney Marsh. The coast of Sussex affords a natural section, which may be studied at Rye, Winchelsea, and on to Hastings.

The Weald clay forms the valley surrounding the Forest Ridge. It presents a marked and well known feature in the landscape as seen either from the Hastings sand or the Lower Green Sand. Its mineralogical character is well expressed by its name; through its entire thickness it consists of blue and brown

* Lyell's Elements, p. 350, ed. 1865.

clays, with shale. The oak being unattended by the elm, betrays a soil not prized by the agriculturist.

The out-crop of the Weald clay on the shore of Kent occurs at Shorncliffe, whence it may be traced rising with the Lower Green Sand above it, along the hill slope to Hythe and thence to Aldington Knoll. No natural section appears. It is much obacured by the detritus of the Lower Green Sand which has fallen from the summit of the hills above, and at Hythe by the blown sand, which travelled up and over the hill crest when the sea approached nearer to the foot of the hill than at present.

Marvellous were the animals and plants which formerly inhabited the banks and waters of the Wealden river. Among the discoveries of Dr. Mantell was the *Iguanodon*, a huge saurian reptile, the structure of whose teeth indicates it to have been herbivorous. The illustrious Cuvier thus expressed himself in a communication to Dr. Mantell: "May we not here have a new animal—a herbivorous reptile? and just as at the present time with regard to mammals (land quadrupeds with warm blood), it is among the herbivorous that we find the largest species; so also within the remote period when they were the sole terrestrial animals, might not the largest among them have been nourished by vegetables?"* The *Hylæosaurus* (Weald lizard), and the *Megalosaurus* (great lizard), also rewarded the researches of Dr. Mantell. All three reptiles belonged to the same series, but all differed in habits. The *Iguanodon*, as above stated, fed on vegetable diet, the *Hylæosaurus* was a mixed, the *Megalosaurus* a carnivorous feeder; the secondary period to which we refer the cretaceous system was, indeed, the "age of reptiles."

Restorations of these mighty saurians by Mr. Waterhouse Hawkins may be seen in the grounds of the Crystal Palace. The length of the *Iguanodon*, as restored, is 34ft. 9in.; of the *Megalosaurus*, 37ft., greatest girth of body 22ft. 6in. Contemporary with the above was the *Pterodactyle*, a flying lizard. It resembled a bird, but had bat-like wings. Mantell describes it as presenting "as great an anomaly of structure, as unlike its fossil contemporaries, as the duck-billed *Ornithorynchus* of Australia." The size and form of its extremities show that it was capable of perching on trees, of hanging against perpendi-

* When Cuvier wrote the above, no warm-blooded animals had been discovered below the tertiary beds. Marsupials (pouched animals) have since been discovered in beds of earlier date than the Wealden.

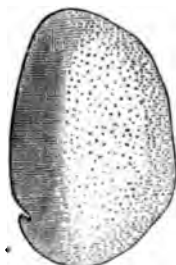
CHARACTERISTIC FOSSILS OF THE CRETACEOUS BEDS.

Fig. 1.



Paludina furiorum.
(Natural size.)

Fig. 2.



Cypris Valdensis.
(Magnified 20 diameters.)

Fig. 3.



Terebratula sella.
(Natural size.)

Fig. 4.



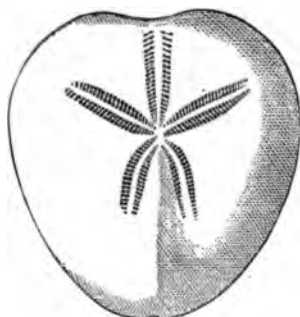
Palaeocorystes Stokesii.
(Natural size.)

Fig. 5.



Micrabacia coronula.
(Magnified two diameters.)

Fig. 6.



Micraster cor-anguinum.
(Reduced one-third.)

cular surfaces, and of standing firmly on the ground, when, with its wings folded, it might crawl or hop like a bird. Restorations of the Pterodactyle may also be seen at the Crystal Palace, near the Hylæosaurus. The remains of fishes in the Wealden beds are frequent. The Ganoid Order (according to the arrangement of Agassiz) is represented by the *Lepidotus*. It was covered by angular and enamelled scales. The Ganoids occur principally in the older rocks; they are now represented by the fresh-water garpike of America, and the sturgeon of our own seas.

The uniformity of the laws which has ever regulated the distribution of organic life is observable in the shells of the Wealden. However numerous the individuals found in our present lakes, rivers, or estuaries, the genera are but few. An instructive comparison may be made illustrating the prevalence of this law at the geological period under consideration, by placing side by side selected slabs of equal size of Kentish Rag and Sussex Marble. In the former may be counted, within a space of say three feet square, I shall not err in venturing to suggest the probable number of ten or twelve distinct species of marine shells. One would rarely find one third of that number in a slab of Sussex Marble of the same dimensions. But the individuals may be fairly expected far to exceed those in the Rag. The Sussex and Purbeck Marbles, so extensively used in church architecture late in the twelfth and in the thirteenth centuries, especially in the style designated Early English, are frequently made up of a fresh-water snail—*Paludina* (figure 1)—a genus which has its living representatives in our own lakes and ponds. To the sections of these Paludinæ, as cut by the mason, the marble owes its beauty.* Other univalves, as *Melanopsis*, *Melania*, occur; also the bivalve genera, *Cyrena* and *Cyclas*. A small crustacean, *Cypris* (figure 2), is found in great abundance; a genus that has existed from the coal deposits to our own epoch. From their habit of annually casting off their carapace, or outward integument, myriads of their tiny exuvixæ or coverings are found throughout the clay beds. Among the shells, there remains to be noticed a small oyster, *Ostrea distorta*, which occurs in bands at Hythe, as I have myself noticed, and as had previously been elsewhere observed, which strongly confirms the estuary origin of the Wealden strata. Their presence

* It is much to be regretted that the Sussex marble has fallen into disuse. Worked for chimney-pieces, it is equal to many native and imported marbles.

points to the occasional mixing of salt water with fresh, a condition favourable to their development, as a species inhabiting brackish water. At Hythe these bands appear in the uppermost beds, and therefore towards the close of the Wealden Epoch, when the sea was about to obtain the mastery; we may fairly infer this, for there is a line of junction above which the fresh-water shells are replaced by those exclusively marine—those of the Lower Green Sand. The sea now rolled where previously a river flowed. If one may be permitted to speculate, it may be inferred that the final submergence of the Weald under the sea was tranquil, and just such as would occur by a gradual subsidence of its bed. The mineralogical character of the Weald clay differs so slightly from that of the Atherfield, that the line of junction can be ascertained only by fossil evidence.

I may here venture to allude to the value of such evidence in distinguishing the fresh-water from the marine beds. I required a strong stiff clay for the operation of puddling, and commenced by procuring it from the Weald clay. The presence of concretions of clay iron ore in this bed are so frequent that it rendered the process all but impracticable. I knew that in the Atherfield (marine) clay these nodules did not occur. Removing the site of my excavation a few feet higher up, to the Atherfield, which is above the Wealden, I dug until I found marine bivalves (*Panopæa*), and obtained a perfectly homogeneous clay free from nodules or other hindrances, admirably adapted for the purpose for which it was required.

Such were the conditions under which the Wealden was deposited. Evidences are not wanting to lead to the inference that, notwithstanding its great thickness, its bed was during the period of deposition gradually sinking. At Hastings and elsewhere ripple-marked sand stones abound, and Sir Charles Lyell figures a slab from Stammerham, Sussex, which indicates that its exposure to the air caused it to crack before the last layer was thrown down. It is interesting to trace the rippling action of a breeze upon shallow water in ages so remote. It is impossible for me in these limits to enumerate the further evidences indicative of the gradual subsidence of the Wealden during its deposit; and I must therefore refer the reader to the Anniversary Address of Sir Charles Lyell to the Geological Society, 1850,* for a discussion of the elevation and depression of land.

* *Geological Journal*, vol. vi., p. 2.

Overlying the fresh-water Wealden strata are the beds of that member of the cretaceous formation designated the Lower Green Sand. It forms generally, and particularly in the eastern part of Kent, a line of low hills, its escarpment overlooking the valley of the Weald, and as seen from the summit of the loftier chalk, it presents a table-land spread out in gentle undulations at its base.

The Lower Green Sand has in Kent four well marked subdivisions, designated as follows :—

	Thickness.
Folkestone Beds	90 feet.
Sandgate Beds	80 "
Hythe Beds, or Kentish Rag	60 "
Atherfield Clay	40 "
Total	270 feet.

The Atherfield clay derives its name from the spot where it may most conveniently be studied, Atherfield Point, in the Isle of Wight; it offers no natural section in Kent. Its marine origin is revealed by its organic remains. The few opportunities which have offered in the neighbourhood of Hythe, when artificially pierced, have afforded *Ammonites Deshayesii*, *Pinna sulcifera*, &c. I believe that under proper manipulation it would prove superior to the clays either of the Weald or the Gault, in the hands of the potter. It presents no distinguishable feature in the landscape, forming merely a narrow belt on the slope of the Quarry Hills, with the debris of which it is much mixed at the surface. I have observed it to produce wheat and other crops superior to those of the underlying Weald; and some of our finest oaks rejoice in its fertility. An artificial section is exposed in the cutting of the South-Eastern Railway at the Smeeth station, where the overlying Kentish Rag may be noticed; and it crops out at Seabrook immediately under the Hythe beds, which have next to be considered.

These beds first emerge from the sea level between Sandgate and Folkestone, rising gradually along the base of Shorncliffe, till they form the escarpment above the town of Hythe. The admirable artificial section afforded in the quarries at that place has given this subdivision its title of the "Hythe beds." They, as also the Rag beds at Maidstone, have afforded a rich harvest to the palæontologist. The well-known specimen of the *Iguanodon* preserved in the British Museum was obtained by Mr. Bensted, of Maidstone, in the quarries near that town.

The Hythe quarries have afforded me numerous vertebræ, &c., of large saurians, many of which are not identified. The Fish lizard (*Ichthyosaurus*), whose fossil remains may be seen at the British Museum, inhabited the sea when the materials of the Hythe rocks were deposited. Portions of a huge saurian, *Polyptychodon continuus* (also in the British Museum), were here first discovered by me. We are here still in the age of reptiles. Beds of a large oyster, *Gryphæa*, remain imbedded in the spots where they lived and died. Among the mollusca stands pre-eminent the class of Cephalopoda, familiar to all by the well-known genera of the Ammonite, *Crioceras*, *Nautilus*, and others. Around them, in almost equal profusion, may be seen their contemporaries, the *Terebratulæ*, *Pectens*, *Gervilliæ*, *Trigoniæ*, *Aviculæ*, *Panopææ*, (I select those of most common occurrence), and numerous other genera. Certain species, as the *Terebratula sella* (figure 3), were gregarious, as are the mussels and numerous other genera of our own seas. A list of the fossils of the Hythe Quarries, furnished by Mr. Etheridge, F.G.S., principally from my own collection, will be found in the "Memoirs of the Geological Survey," vol. iv. p. 8. I may here notice, in passing, the system of springs which break out on the line of junction of the Hythe and the Atherfield beds, as furnishing water of singular purity. Percolating the limestone beds of the Rag, they break out above the more retentive strata of the Atherfield clay. The Smeeth cutting, above mentioned, illustrates their geological position.

The next beds, still in ascending order, are known as the Sandgate; they crop out below Folkestone church, and their junction with the superincumbent Folkestone beds is well shown at the turnpike on the coast road (Lord Radnor's) between Folkestone and Sandgate, where they form the undercliff. Ferruginous nodules, containing beautiful casts of *Nautilus*, *Rhynchonella* and other Lower Greensand fossils, occur in these beds, but are not easily obtainable. I have collected them in the excavations for the foundations of houses above Sandgate, in the sandy lane north of Saltwood castle; and whilst Saltwood tunnel was being made, I procured numerous specimens. A system of springs marks the line of junction with the Folkestone beds, but the quality of the water is greatly inferior to that obtained from below the Rag Stone.

The Folkestone beds lie immediately above those last described (the Sandgate). Cropping out from beneath the Gault at Copt Point, the prominence of which is due to their stony

strata resisting the action of the waves, they form the upper portion of the cliff between Sandgate and Folkestone. Their mineralogical character differs from that of the Hythe beds. The principal beds of stone are more siliceous and gritty. There are evidences of the Folkestone beds having been deposited in a more tempestuous sea than those of the Hythe. In the latter included pebbles are extremely rare; but at Folkestone pebbles of quartz, slate, &c., are of frequent occurrence. Their false bedding seems to indicate that they were shifting sandbanks. Mollusca are few, both in individuals and species, as compared to those of the Hythe beds. The naturalist informs us that in our own times shifting sandbanks are unfavourable to the development of mollusca. Here, then, we have another proof of the uniformity of the laws of Nature. The brittle Sandstar, familiar to all sea-side residents, had its representative in an undescribed species to be found in the rocks lying on the shore west of Copt Point (east of Folkestone), where a small *Salenia* and a large *Cardiaster* also occur.

At Copt Point we see the Folkestone beds divided from the overlying Gault by a layer of phosphatic nodules, varying in thickness, but rarely exceeding twelve inches. Much fossil wood perforated by *Pholas*, and numerous fossils, occur in this layer. A list will be found in Mr. Drew's Memoir above cited, p. 10. One Ammonite (*A. mammillaris*) appears to be characteristic of this bed. I have never collected it, or known it to be collected, either above or below it. This bed, from its fossils, has been assigned to the Gault, which in its entire thickness has been estimated at 100 feet. The beauty of the fossils of the Gault has given them a great celebrity among collectors. The lower portion especially abounds in specimens. The Hamites are peculiarly characteristic, as are also the bivalves, *Inoceramus sulcatus*, and *concentricus*, with numerous crabs, including *Palæocorystes Stokesii* (figure 4). In the Limestone beds of the Lower Greensand the fossils are mostly mere casts of the interior of the shells; but in the Gault the shells themselves have been preserved, reflecting from their surface the varied colours of the rainbow. The species are extremely numerous, and mostly undescribed, though the French authors, Leymerie and D'Orbigny, have published many. The cabinet of the Rev. Thomas Wiltshire, F.G.S., F.L.S., contains a fine collection, and it is understood will be described and published by him at no distant day. The Gault forms a valley, in Kent and Sussex, between the Lower Green Sand and the North and South Chalk

Downs, accompanying them also in the same position through Surrey and Hampshire, limits not included in this paper. Where its stiff clay is intermingled with the chalk it produces fine wheat, and the oak flourishes in its soil.

The Upper Greensand reposing on the Gault is insignificant both in extent and thickness. In the road below Cæsar's Camp, near Folkestone, its thickness is only four feet. The Map of the Geological Survey shews no traces of its occurrence from a point west of Cæsar's Camp to East Lenham. Towards the west it is more developed, as in the Isle of Wight. At Merstham, in Surrey, it supplies the hearthstone or firestone of commerce. In East Kent it affords few fossils—the coral *Micrabacia coronula*, (figure 5) is one of the most noticeable. It passes upwards into the Chalk.

The Chalk is the most prominent and widely extended of the cretaceous series. Its thickness in the south-east of England is estimated at 1,000 feet. Its geological extent is enormous. Lyell informs us that pure chalk, of uniform aspect and composition, is met with in a north-west and south-east direction from the north of Ireland to the Crimea, a distance of about 1,140 geographical miles, and in an opposite direction it extends from the south of Sweden to the south of Bordeaux, a distance of about 840 geographical miles, probably having prevailed in greater or less thickness over large portions of the area included within these limits. For analogous deposits now in the course of formation we must turn to the coral reefs of the Pacific, where the Lagoon Islands furnish from the decomposition of their zoophytes a mud which, spread out on the floor of the ocean by the action of waves and currents, is forming a contemporary cretaceous system. Viewed under the microscope the most delicate organizations may be detected.

The Chalk in the south-east of England differs in its upper and lower beds. The upper or white chalk contains numerous flints. The lower is destitute of flints, is of a grey colour, and more argillaceous. It is hence designated the Grey Chalk, or Chalk Marl.

Reverting to the coast section, the out-crop of the Chalk Marl is seen midway between Folkestone and Dover. The copious spring known as Lydden Spout is due to the retentive nature of the marl, through which the water cannot percolate. At a slight depth below the surface of the shingle may be observed a conglomerate of lime and shingle in the course of formation, due to the action of lime held in solution by the

spring. Westward, in East Wear Bay, between high and low-water mark, masses of the same conglomerate have resisted the action of the ebbing and flowing tides since they were left exposed by the recession of the cliffs. So indurated is the matrix of lime, that the geologist's hammer will frequently find it as obdurate as the flint. Calcareous tufa is found in many of the springs issuing from the Chalk, at the Stour head at Postling, and elsewhere; the Romans used it as a building material at Dover and Richborough. The artificial concrete now so extensively used by builders, is formed by an imitation of the process which produces the conglomerates above described. The Grey Chalk disappears near Dover, dipping under the White Chalk, which latter contains flints somewhat dispersed in the lower, but regularly stratified in the upper beds. That the flint was once in solution is proved by its being found in the organism of many of the most delicate structures of the chalk fossils.

The fossils of the Chalk (see figure 6, *Micraster cor-anguinum*) reveal the oceanic character of the deposit. Evidences of contiguous land are rarely found, as in the Greensands and Gault; which latter therefore we may infer originated in seas of more limited areas. The extinction of the genus *Ammonite* appears, according to present geological evidence, to have occurred at the close of the cretaceous epoch. The whole family of chambered univalves is now feebly represented by the living genera *Nautilus* and *Spirula*.

The district whose geological features I have imperfectly sketched, includes much picturesque scenery. Two of the principal watering-places in the south-east of England—Hastings and Tunbridge Wells—are included in its limits; and there are many spots less known and frequented, which are of great beauty. The country around Hawkhurst, Goudhurst, and Bedgebury is much admired by the few who visit it.

There is a physiognomy in landscape which may often be traced to the geological condition of the soil. A rounded outline characterises the Chalk. The Greensand in Kent undulates in less graceful sweeps, but in its transverse valleys, which have been eroded by the small streams which traverse its beds, is much quiet and beautiful scenery. In Surrey, around Albury, where it has been greatly disturbed, is scenery inferior to none in the south of England.

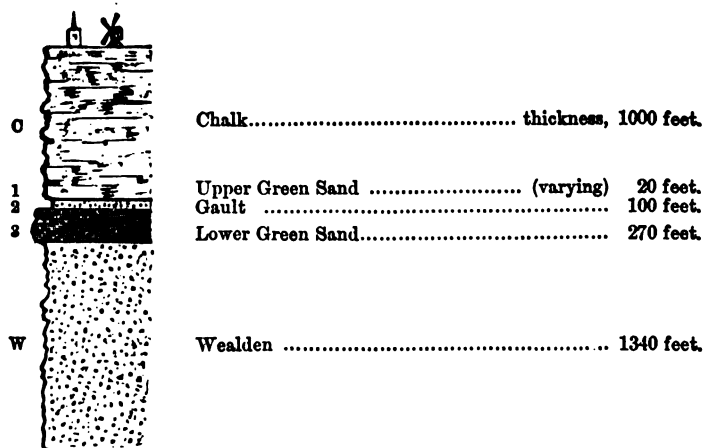
In the central district of the Hastings sand occurs rock scenery, nowhere more beautiful than around Tunbridge Wells.

On the Forest Ridge, the axis of elevation, the disturbance of the strata produces the broken outline so much admired around Hastings. The South Eastern and London and Brighton Railways both cross the Wealden from the South to the North Downs, and each traverses the same succession of beds. The line from Tunbridge Wells to London *via* Sevenoaks furnishes admirable sections. Starting from the Hastings sand, it crosses the valley of the Weald by Tunbridge; at the Sevenoaks tunnel, the Atherfield clay is slightly exposed at its northern end. The Hythe (Kentish rag) beds are next passed in a deep cutting; then the Sandgate beds in a narrow valley; the sands of the Folkestone beds follow; the Gault, which succeeds in due geological order, preserves its characteristic feature—as a valley; still proceeding onwards, the lower chalk, grey and without flints, will be observed, succeeded by the white chalk with flints. The sequence and physical features of the beds are those previously indicated in my remarks on the sections along the coast line.

There was, then, a period when the various strata above described reposed in the order shown in diagram A. Their strata-

A.—VERTICAL SECTION OF THE CRETACEOUS BEDS IN KENT.

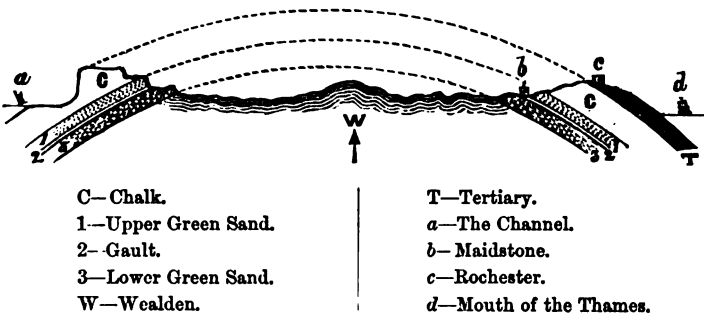
THICKNESS OF BEDS TO SCALE.



tification was what is termed by the geologist, conformable;

that is, they lay one above the other in parallel order—horizontally and as yet undisturbed. The then unbroken continuity of the chalk from the North to the South Downs is inferred by facts and reasoning which our limits will not permit us to pursue. By the aid of diagram B the reader will be able

B.—SECTION BETWEEN BEACHY HEAD AND ROCHESTER.



↑ Line of force which elevated the Weald to its present position.

Dotted lines represent the continuation of the strata now denuded.

to understand the direction of the force which elevated the whole mass of the cretaceous formation. This section shows not only the present conformation of the land, but by the dotted lines also represents the portion which has been denuded, washed away, and transported to form the material of later deposits. The upheaval of the strata between the North and South Downs is all but universally believed to have been gradual and tranquil.

The marine theory would ascribe the formation of the existing system of hill and valley to the action of the sea during its emergence above its level, whilst the "theory of fracture," ably advanced by Mr. Hopkins, would refer the same to dislocation caused by elevation. These theories have been much combated by a modern school of geologists which attributes the denudation of the Weald principally to the action of rain and rivers; this is designated the sub-aërial theory. The wear and tear of our great Continents, and the gradual transfer of their materials to the sea slowly but incessantly in progress, is perhaps

effected not so much by the action of the sea along their shore lines as by the transport of soil carried down by rivers.

The preceding remarks on the deposit of the Wealden may be referred to in proof of the vast mass of sediment transported by river action. In diagram B we perceive the strata dipping from the Hastings Sand, the central axis of elevation, and hence termed by geologists the "anticlinal" axis, its protrusion having thrust aside the superior beds, which thus incline or "dip" away from it. The physical features and aspect of the area of denudation are readily to be traced to their geological structure. As a general rule, the more rocky and unyielding beds form the hills, whilst the clays and more yielding beds furnish the valleys, thus evidencing their comparative powers of resistance to the denuding action of water.

A very able discussion by Messrs. Foster and Topley on the forces which produced the denudation of the Weald will be found in the *Geological Journal*, vol. xxi. In this paper, evidence is produced of the occurrence of an old river gravel in the valley of the Medway 800 feet above the present level of that river, which has cut down its channel to this depth. The authors infer that "if so large a denudation has been effected by rain and rivers, there can be little difficulty in supposing the present form of the ground in the Weald to have been produced entirely by these agents." At Ashford, Weald gravel was deposited when the Stour ran at a considerably higher level than now.

The principal rivers which traverse the Weald do not flow to the sea eastwards to Romney Marsh or Pevensey through its longitudinal valley, but pass through transverse valleys in the North and South Downs, which, if we accept the evidence afforded by the Medway above quoted, have been eroded by their streams. Thus the North Downs are cut through by the Wey, Mole, Darent, Medway, and Stour; the South Downs by the Arun, Adur, and Cuckmere.

I may here conveniently allude to certain outliers, or isolated portions of the overlying beds, which have resisted denudation within the Weald. A reference to the Map of the Geological Survey will show examples of patches of the Lower Green Sand which have thus escaped near Ashford. Collier's Hill, near Aldington, and Great Chart are examples.

I have endeavoured to describe the geological features of a district which, from its intrinsic interest and its proximity to the Metropolis of science, has been investigated and described

by some of our most able geologists. The names of Martin, Mantell, Fitton, Buckland, Lyell, Hopkins, and Austen, are inseparably connected with its history. Among the staff of the Geological Survey especially engaged on the Weald are Drew, Foster, Topley. To their numerous papers in the publications of the Geological Society, and to the Memoirs of the Geological Survey, I would refer those who desire a more intimate knowledge of the geology of the cretaceous beds in the south-east of England than the limits of the present communication can afford.



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